

**WAC 352-36-040 Restricted areas.** (1) Vehicular traffic shall be allowed on the ocean beaches twenty-four hours a day except as further restricted within this WAC.

(2) Pedestrians only will be allowed during closed clam seasons on the following beaches:

(a) On Long Beach, from the south boundary of Leadbetter Point State Park to the north boundary of Leadbetter Point State Park—Natural Area.

(b) On North Beach, Benner Gap north to the Copalis River. [Order 28, § 352-36-040, filed 11/19/76; Order 13, § 352-36-040, filed 4/19/72.]

**Reviser's note:** The former subsection (3) has been removed from WAC 352-36-040 on the authority of the following letter dated May 7, 1981, from the Attorney General:

"WAC 352-36-040(3) was invalidated by the decision in *Sim v. Washington State Parks and Recreation Commission*, 94 Wn.2d 552 (1980).

The consent of the Attorney General is hereby given and the Code Reviser is requested to remove all of WAC 352-36-040(3) from the Washington Administrative Code, pursuant to the provisions of RCW 34.04.050(5).

For The Attorney General  
Robert C. Hargreaves  
Assistant Attorney General"

**Chapter 352-52 WAC  
HOSTELS**

WAC	
352-52-010	Purpose.
352-52-020	Definitions.
352-52-030	Grants or moneys for support of hostels.
352-52-040	Operation of hostels.

**WAC 352-52-010 Purpose.** This chapter is promulgated to carry out the commission's duties and responsibilities as contained in RCW 43.51.375. [Statutory Authority: RCW 43.51.375 and 43.51.060(1). 81-19-114 (Order 54), § 352-52-010, filed 9/23/81.]

**WAC 352-52-020 Definitions.** Whenever used in this chapter the following terms shall be defined as herein indicated.

(1) "Hostel" means a simple basic structure which serves as a safe, low-cost overnight accommodation for mobile people of all ages from this country and abroad.

(2) "Director" means the director of the Washington state parks and recreation commission.

(3) "Commission" means the Washington state parks and recreation commission. [Statutory Authority: RCW 43.51.375 and 43.51.060(1). 81-19-114 (Order 54), § 352-52-020, filed 9/23/81.]

**WAC 352-52-030 Grants or moneys for support of hostels.** The commission will accept grants or moneys from any federal or private source for support of hostels. The commission, at its discretion, will apportion and transfer any such moneys to public agencies which have contracted for the operation of a hostel or hostels, or to political subdivisions which operate hostels. Application for such moneys shall be made on a form provided by the director, which may be obtained upon request by

writing in care of the Director, Washington State Parks and Recreation Commission, 7150 Cleanwater Lane, Olympia, Washington 98504: *Provided*, That no contracting agency or political subdivision will be eligible to receive any such moneys in support of hostels unless their hostels are operated in accordance with WAC 352-52-040. [Statutory Authority: RCW 43.51.375 and 43.51.060(1). 81-19-114 (Order 54), § 352-52-030, filed 9/23/81.]

**WAC 352-52-040 Operation of hostels.** Hostels shall be operated in substantial compliance with the operating standards and customs established by American Youth Hostels, Inc. (AYH), as reflected in the AYH Hostel Operations Manual, January 1977 revision. Copies of the manual are available upon request by writing in care of the director, whose address is given in WAC 352-52-030. There will be a charge for copying the manual according to the fees established in WAC 352-40-090 for copying public records. [Statutory Authority: RCW 43.51.375 and 43.51.060(1). 81-19-114 (Order 54), § 352-52-040, filed 9/23/81.]

**Title 356 WAC  
DEPARTMENT OF PERSONNEL**

**Chapters**

<b>356-06</b>	<b>General provisions.</b>
<b>356-07</b>	<b>Operations and public records.</b>
<b>356-10</b>	<b>Classification.</b>
<b>356-14</b>	<b>Compensation plan.</b>
<b>356-15</b>	<b>Compensation plan appendix.</b>
<b>356-18</b>	<b>Leave.</b>
<b>356-22</b>	<b>Recruitment—Examinations.</b>
<b>356-26</b>	<b>Registers—Certification.</b>
<b>356-30</b>	<b>Appointments—Separations.</b>
<b>356-34</b>	<b>Disciplinary actions—Appeals.</b>
<b>356-35</b>	<b>Disability—Separation—Appeals—Procedures.</b>
<b>356-39</b>	<b>Human resource development.</b>
<b>356-42</b>	<b>Labor relations.</b>
<b>356-46</b>	<b>Miscellaneous.</b>
<b>356-47</b>	<b>Career executive program.</b>

**Chapter 356-06 WAC  
GENERAL PROVISIONS**

WAC	
356-06-010	Definitions.
356-06-055	Exempt—Classified service—Movement between.

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

**ACTING APPOINTMENT** – An appointment of limited duration made from within the classified 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 of personnel 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 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.

**EXIT LEAVE** – The paid hours of nonworking time taken by an employee who is not eligible to receive a lump sum cash payment for accrued vacation leave. Exit leave is taken following the last designated work day prior to an employee's resignation, dismissal, or separation due to reduction-in-force or disability and continuing until all the employee's accrued vacation leave is exhausted.

**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 a salary increase within a salary schedule range as prescribed in the merit system rules.

**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 re-employment in, the classified service and continuing for 6 to 12 months as determined under the provisions of WAC 356-30-260.

**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 of personnel 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 an 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** - 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 class which was held prior to the current trial service appointment.

**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 will be credited for that period of time the employee is eligible to be placed on the reduction-in-force register. Leaves without pay granted to directly or indirectly reduce the possible effect of reduction-in-force will be credited in accordance with WAC 356-18-140 and 356-18-220. Leaves of absence without pay granted to employees who are drawing worker's compensation because of injury or illness while employed by the state will be 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 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(6). 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 employee assigned responsibility by management to participate in all the following functions with respect to their subordinate employees: (1) Selection of staff, (2) training and development, (3) planning and assignment of work, (4) evaluation of performance, and (5) corrective action. Participation in these functions must not be of a merely routine nature but requires the exercise of individual 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 employee(s) who jointly fulfill the responsibilities and duties of the position(s).

**TEMPORARY EMPLOYMENT** – Single or multiple periods of employment during the absence of a permanent employee on leave; or for work done at a workload peak

and normally lasting for less than nine months and having an end in sight.

**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 from one to another classified position having the same salary 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 of personnel. 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 range of an employee's class or a salary amount that falls between the steps of a salary range of an employee's class. [Statutory Authority: RCW 41.06.150. 83-01-115 (Order 179), § 356-06-010, filed 12/22/82. Statutory Authority: RCW 41.06.150(17). 82-19-092 (Order 175), § 356-06-010, filed 9/22/82; 82-09-022 (Order 169), § 356-06-010, filed 4/12/82; 82-03-030 (Order 165), § 356-06-010, filed 1/18/82; 81-23-031 (Order 163), § 356-06-010, filed 11/16/81; 80-13-047 (Order 147), § 356-06-010, filed 9/16/80; 80-09-010 (Order 145), § 356-06-010, filed 7/8/80; 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 356-06-055 Exempt--Classified service--Movement between.** (1) Any classified employee having civil service status in a classified position who accepts an appointment in an exempt position shall have the right to return to the highest class of position in which the employee previously held permanent status, or to a position of similar nature and salary, within four years from the date of appointment to the exempt position. However, (a) upon the prior request of the appointing authority of the exempt position, the personnel board may approve one extension of no more than four years; and (b) if an appointment was accepted prior to July 10, 1982, then the four-year period shall begin as of that date. Such employee must apply to return to classified service within 30 calendar days of:

(a) Termination of employment in such exempt position, or

(b) Termination of employment in any other exempt position in which the employee subsequently served provided there was no break in his/her service with the state of more than 30 calendar days.

(2) Any classified employee who holds a position in the classified service which is subsequently exempted and who previously held permanent status in another classified position shall have a right to return to the highest classified position in which the employee previously held permanent status or to a similar position. Such employee must apply to return to classified service within 30 calendar days of:

(a) Termination of employment in such exempt position, or

(b) Termination of employment in any other exempt position in which the employee subsequently served provided there was no break in his/her service with the state of more than 30 calendar days.

(3) Employees exercising return rights within the time specified, as provided in WAC 356-06-055, shall return:

(a) At the time of separation or application, whichever is later.

(b) To a salary not less than the salary they left, adjusted according to salary changes made in the interim.

(c) With the same status they last held at the time they left the classified service.

(d) With their seniority credited with the full time of their absence from the classified service and with no break in service.

(4) An employee's continuation in a position that has been exempted shall constitute the acceptance of an exempt appointment. The employee who accepts an appointment in this manner shall have the right of return as specified in subsection (1) of this section.

(5) Present or past employees of the exempt service who have not previously left the classified service specifically to take an exempt position shall not be entitled to move back into the classified service under the provisions of this section or WAC 356-30-045 or 356-30-330.

(6) Classified employees under the jurisdiction of the higher education personnel board who are otherwise exempt from the right by WAC 356-06-020, and have been or are going to be separated because of reduction-in-force action shall be certified to any vacant classified positions under the jurisdiction of the state personnel board provided:

(a) The employees are qualified as determined by the director of personnel, or designee; and

(b) No other employees under the jurisdiction of the state personnel board are eligible to be certified from the reduction-in-force registers, or transferred, or promoted into vacancies; and

(c) The employees have greater seniority than other such qualified employees under the jurisdiction of the higher education personnel board involved in reduction-in-force action; and

(d) The employees are being offered the opportunity according to the department of personnel procedure established for that purpose.

(7) Employees may replace incumbents currently in the positions to which they are returning. The replaced incumbents are entitled to the rights and options of the reduction-in-force procedures of their agency.

Employees in the classified service whose positions have been exempted from the civil service law in accordance with RCW 41.06.070 (21) or (22) and have not previously held other classified positions may return to the classified service in any vacant positions in their respective departments provided the employees:

(a) Meet the minimum qualifications;

(b) Have greater seniority than other employees who would be offered the vacancy(ies) as a reduction-in-force option or certifications from the reduction-in-force register. [Statutory Authority: RCW 41.06.150(17), 82-22-020 (Order 177), § 356-06-055, filed 10/26/82; 82-19-092 (Order 175), § 356-06-055, filed 9/22/82; Order 82, § 356-06-055, filed 9/26/75; Order 69, § 356-06-055, filed 9/30/74; Order 63, § 356-06-055, filed 2/26/74.]

### Chapter 356-07 WAC

#### OPERATIONS AND PUBLIC RECORDS

WAC

356-07-030 Description and location of departmental organization.

**WAC 356-07-030 Description and location of departmental organization.** (1) The central office(s) of the department of personnel is located at 600 South Franklin Street, Olympia, Washington.

(2) The staff is organized in six general areas:

(a) Operations division which provides for recruitment, examination, examination development, classification, hearings, certification, agency services and staffing review and affirmative action.

(b) Standards and surveys division which provides for salary surveys, compensation plan administration, research services, and special projects.

(c) Employee development and training division (located at 400 East Union Street, Olympia, Washington) which provides consultation on human resource development activities to agencies, training which is interagency in scope, and guidelines for agency planning and evaluation of human resource development.

(d) Insurance benefits division (located at 497 Tye Drive, Tumwater, Washington) which provides for employee insurance programs and employee advisory services. The employee advisory service offices are at the following locations: 402 Security Building, Olympia, Washington; 444 NE Ravenna Boulevard, Suite 409, Seattle, Washington; and at Suite 604, Northtown Office Building, Spokane, Washington.

(e) Administrative division which provides departmental fiscal management, facilities, word processing support, agency personnel services, and labor relations services.

(f) Information systems division (located at Building #1, Rowesix, Lacey, Washington) which administers the central personnel/ payroll and insurance eligibility computer systems. [Statutory Authority: RCW 41.06.150(17), 82-09-022 (Order 169), § 356-07-030, filed 4/12/82; 78-05-025 (Order 119), § 356-07-030, filed 4/14/78; Order 60, § 356-08-030 (codified as WAC 356-07-030), filed 12/13/73.]

**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 356-10 WAC CLASSIFICATION

WAC

356-10-060 Allocation—Request for review.

**WAC 356-10-060 Allocation—Request for review.** A review by the director of personnel or designee of the allocation or reallocation of a position may be requested by the incumbent in the position at the time the reallocation was requested, or on the date the allocation decision was issued, or at the conclusion of a class study, 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 appeal the determination of the director of personnel or designee to the state personnel appeals board as provided in Title 358 WAC.

(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 41.06.150(17). 81-23-031 (Order 163), § 356-10-060, filed 11/16/81; 80-13-047 (Order 147), § 356-10-060, filed 9/16/80. 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.]

private industries, and other governmental units, for positions of a similar nature to provide like pay for like work.

(4) Work period designation of each classification, or individual positions within a classification.

(5) Rates of premium pay and shift differential and standby pay schedules determined by the personnel board in the same manner as are basic salaries. [Statutory Authority: RCW 41.06.150(17). 81-23-031 (Order 163), § 356-14-010, filed 11/16/81; Order 98, § 356-14-010, filed 1/13/77, effective 2/13/77; Order 86, § 356-14-010, filed 5/4/76, effective 10/1/76\*; Order 78, § 356-14-010, filed 5/19/75; Order 71, § 356-14-010, filed 12/30/74; Order 36, § 356-14-010, filed 7/1/71, effective 8/1/71. Formerly WAC 356-08-110, 356-08-115.]

\*Reviser's note: The effective date of Order 86 was postponed until January 1, 1977, by Emergency Order 91, filed 9/9/76.

**WAC 356-14-065 Salary--Teachers of the deaf or blind.** In accordance with RCW 72.05.140(2), teachers of the deaf or blind will be paid, beginning with their 1981-82 school year, the same salaries paid to certified employees of similar background and experience in School District #37, Vancouver, Washington.

New yearly schedules will be published when received from that school district. [Statutory Authority: RCW 41.06.150(17). 81-23-031 (Order 163), § 356-14-065, filed 11/16/81.]

**WAC 356-14-085 Salaries--Reduction-in-force register appointment.** When an eligible is appointed from a certification off of a reduction-in-force register, his/her salary will be set as follows:

(1) The salary will be the basic dollar amount the employee was being paid at the time he/she left the range to which he/she is being appointed, plus, whatever the periodic increases and the salary adjustments that would have been made had the employee remained in that classification and range. Separations due to reduction-in-force will not be regarded as a break in service, but time during which employees are off the payroll will not be used in computing periodic increases except for practices in effect prior to October 14, 1980, for setting periodic increment dates for employees involving recurring reduction-in-force. The eligible will not be entitled to further increases in salary based on promotion as prescribed in WAC 356-14-140.

(2) Such increases above the basic dollar amount in (1) above shall not place the employee higher than the maximum salary for the range, except general salary increase specifically granted to Y-rated employees. [Statutory Authority: RCW 41.06.150(17). 81-11-032 (Order 154), § 356-14-085, filed 5/19/81; 81-01-054 (Order 150), § 356-14-085, filed 12/12/80.]

**WAC 356-14-090 Salary--Reemployment.** An employee appointed from the reemployment register as provided in these rules shall be compensated at the same salary step when last permanently employed in the classification to which he/she is being reemployed unless

**Chapter 356-14 WAC  
COMPENSATION PLAN**

WAC	
356-14-010	Compensation plan--Preparation--Basis and provisions.
356-14-065	Salary--Teachers of the deaf or blind.
356-14-085	Salaries--Reduction-in-force register appointment.
356-14-090	Salary--Reemployment.

**WAC 356-14-010 Compensation plan--Preparation--Basis and provisions.** The director of personnel shall prepare a compensation plan for all classifications. The plan shall provide for:

(1) Full compensation to each employee for all work assigned and performed and consideration of all compensation to the employee in fixing the employee's salary.

(2) Salary range schedules including the first, intervening, and maximum steps of each range.

(3) Assignment of each classification to a salary range of not less than the prevailing rate in Washington state

the agency authorizes a higher salary as provided in WAC 356-14-080. [Statutory Authority: RCW 41.06.150, 82-11-061 (Order 170), § 356-14-090, filed 5/14/82; Order 75, § 356-14-090, filed 3/24/75; Order 36, § 356-14-090, filed 7/1/71, effective 8/1/71.]

### Chapter 356-15 WAC COMPENSATION PLAN APPENDIX

#### WAC

356-15-020	Work period designations.
356-15-080	Standby provisions and compensation.
356-15-120	Repealed.
356-15-125	Assignment pay provisions.
356-15-130	Special pay ranges.

#### DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

356-15-120	Special assignment pay provisions. [Statutory Authority: RCW 41.06.150(17), 81-13-030 (Order 157), § 356-15-120, filed 6/15/81; 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.*] Repealed by 81-23-031 (Order 163), filed 11/16/81. Statutory Authority: RCW 41.06.150(17).
------------	--

\*Reviser's note: The effective date of Order 86, filed 5/4/76, was postponed until January 1, 1977, by Emergency Order 91, filed 9/9/76.

**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.

(v) Continuous five work-days-per-week shifts which rotate each 28 days to a different schedule of regular days and hours per week. The rotation involves extended or shortened time off between the ending shift of one schedule and the beginning shift of the next, but does not require more than eight hours work in any one 24-hour period within a schedule, nor more than 52 40-hour workweeks per year. Positions are limited to communications officers and scheduled weight control officers of the state patrol.

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), 82-05-034 and 82-06-009 (Order 167 and 167-A), § 356-15-020, filed 2/16/82 and 2/19/82; 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 356-15-080 Standby provisions and compensation. (1) Requirements:

(a) An employee is in standby status when she/he is required to put in time (outside her/his normal working hours) during which both of the following conditions exist:

(i) She/he is required by her/his agency to remain in a specified duty station or predetermined location during specified hours.



(ii) She/he is required by her/his agency to be prepared to do full time work if the need arises, although the need for her/him to work might not arise.

**NOTE:** Standing by must include restriction to a specific location. When the nature of a duty station confines an employee during her/his off duty hours (e.g., a ship), and that duty station is a normal condition of work in the employee's position, standby compensation is not required merely because the employee is confined.

(b) An agency may issue a written policy stating that an employee is in standby status (b) (outside her/his normal working hours) when required to leave a telephone number with the agency or remain in communication with a dispatching authority to respond to a call to begin work in a specified time limit.

Standby status (b) shall not be considered time worked for any employee.

(2) **Payment:** Any scheduled or nonscheduled work period employee required by her/his agency to stand by shall be paid the hourly standby rate as shown in the standby pay schedule. Standby pay may be authorized for exceptions work period employees if the appointing authority deems it appropriate. For exceptions work period employees, standby may be compensated for by the use of compensatory time. This compensatory time shall be in an amount equivalent to the proportion of the hourly salary schedule salary that the hourly standby pay schedule salary represents. Overtime pay and standby pay shall not be paid for the same hours. Shift differential premium and standby pay shall not be paid for the same hours.

(3) In cases where standby hours are scheduled over a number of months, agencies may pay standby pay at a monthly rate which is equal for all months in which an employee stands by. Such monthly rates shall be calculated by dividing the number of months containing standby time into the total amount of standby pay the employee would earn during those months if the hourly standby pay schedule identified in subsection (2) of this rule was applied. This option is granted to simplify bookkeeping and is not authorization to establish standby rates higher or lower than those set by the personnel board. [Statutory Authority: RCW 41.06.150(17), 82-22-020 (Order 177), § 356-15-080, filed 10/26/82; 81-20-060 (Order 161), § 356-15-080, filed 10/5/81; Order 98, § 356-15-080, filed 1/13/77, effective 2/13/77; Order 86, § 356-15-080, filed 5/4/76, effective 10/1/76.\*]

**WAC 356-15-120 Repealed.** See Disposition Table at beginning of this chapter.

**WAC 356-15-125 Assignment pay provisions.** The personnel board may grant additional pay to recognize assigned duties that exceed ordinary conditions. Hazards, equipment operations and other specialized skills are examples of areas for personnel board consideration. Approved classes will have the letters "AP" appearing after their class title in the compensation plan.

Details of the affected classes or positions within a class, with the additional amount granted, will appear in the salary schedule section of the compensation plan. [Statutory Authority: RCW 41.06.150(17), 81-23-031 (Order 163), § 356-15-125, filed 11/16/81.]

**WAC 356-15-130 Special pay ranges.** These ranges are used to equal or approximate prevailing rate practices found in private industry or other governmental units. An affected class is identified either by a letter designation following the basic salary range number or by a letter designation preceding a number. In the latter case, a special salary schedule will be used for such classes.

(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 first 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 six 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.

(3) **"T" Range:** Used only for the classes of institution teachers. These ranges are constructed by identifying Step K of the correspondingly numbered regular state ranges as "Step 10" of the T-range; the lower nine steps of the T-range are each two regular-range steps (approximately 5%) apart. Advancement through these ranges is at the rate of one step per year.

(4) **"V" Range:** Use only for the classes of teachers of the deaf or blind and principals, school for the deaf or blind. A special salary schedule will be published when received from School District #37, Vancouver, Washington. Advancement through the range is at the rate of one step per year. [Statutory Authority: RCW 41.06.150(17), 81-23-031 (Order 163), § 356-15-130, filed 11/16/81; 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.\*]

**Chapter 356-18 WAC  
LEAVE**

**WAC**

356-18-050	Sick leave credit—Purpose—Accrual—Conversion.
356-18-060	Paid sick leave—Use.
356-18-090	Vacation leave—Accrual.
356-18-100	Accrued vacation leave disposition—Computation—How made.

356-18-105	Exit leave.
356-18-110	Vacation leave—Allowance.
356-18-140	Leave without pay.
356-18-150	Leave—Newborn or adoptive child care—Provision.
356-18-210	Repealed.
356-18-220	Leave—Extension of anniversary date—Periodic increment date—Effect—Exceptions.

**DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER**

356-18-210	Part-time employees—Vacation and sick leave. [Order 36, § 356-18-210, filed 7/1/71, effective 8/1/71. Formerly WAC 356-12-030.] Repealed by 81-13-030 (Order 157), filed 6/15/81. Statutory Authority: RCW 41.06.150(17).
------------	---

**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 fulltime employee is in pay status for 15 or more calendar days. Sick leave credit for parttime, intermittent, hourly, or seasonal employees shall be computed and accrued at the ratio of payroll hours to payroll hours required for fulltime employment.

(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). 81-03-017 (Order 151), § 356-18-050, filed 1/12/81; 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. Such conversion rights shall not extend to vacation leave taken prior to an employee's separation as provided in WAC 356-18-100(2). [Statutory Authority: RCW 41.06.150(17), 82-19-092 (Order 175), § 356-18-060, filed 9/22/82. Statutory Authority: RCW 46.06.150(17) [41.06.150(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 356-18-090 Vacation leave--Accrual.** (1) Fulltime employees who were in pay status for 15 or more calendar days including holidays shall be credited monthly with the following rates of vacation leave for each year of employment. Parttime, intermittent, hourly or seasonal employees whose payroll hours are usually less than 40 hours a week shall be credited with vacation leave under the same conditions as a fulltime employee. The hours credited shall be at the respective ratio of payroll hours to the payroll hours requirement for fulltime employment.

(a) During the first year of current continuous employment — 96 hours (12 days) per annum.

(b) During the second year of current continuous employment — 104 hours (13 days) per annum.

(c) During the third and fourth years of current continuous employment — 112 hours (14 days) per annum.

(d) During the fifth, sixth, and seventh years of current continuous employment — 120 hours (15 days) per annum.

(e) During the eighth, ninth, and tenth total years of employment — 128 hours (16 days) per annum.

(f) During the eleventh, twelfth, and thirteenth total years of employment — 136 hours (17 days) per annum.

(g) During the fourteenth, fifteenth, and sixteenth total years of employment — 144 hours (18 days) per annum.

(h) During the seventeenth, eighteenth, and nineteenth total years of employment — 152 hours (19 days) per annum.

(i) During the twentieth, twenty-first, and twenty-second total years of employment — 160 hours (20 days) per annum.

(j) During the twenty-third, twenty-fourth, and twenty-fifth total years of employment — 168 hours (21 days) per annum.

(k) During the twenty-sixth year of total employment and after — 176 hours (22 days) per annum.

(2) Vacation leave is cumulative to a maximum of 240 hours (30 working days) unless the employee's request for leave is deferred by the agency and a statement of necessity filed with the director of personnel. Such deferred leave may be credited in excess of the 30-day maximum until such leave is granted by the employing agency. [Statutory Authority: RCW 41.06.150(17), 81-13-030 (Order 157), § 356-18-090, filed 6/15/81; Order 45, § 356-18-090, filed 4/17/72; Order 36, § 356-18-090, filed 7/1/71, effective 8/1/71. Formerly WAC 356-12-060, 356-12-090.]

**WAC 356-18-100 Accrued vacation leave disposition--Computation--How made.** (1) When an employee who is a member of the public employees retirement system Plan 1 separates from service by reason of resignation, layoff, dismissal, retirement or death, he or she is entitled to a lump sum cash payment of all unused vacation leave. The compensation shall be computed by using the formula published by the office of financial management.

(2) When an employee who is not a member of the public employees retirement system Plan 1 separates from service by reason of resignation, layoff, dismissal, or retirement, agencies or departments shall provide methods whereby all accumulated vacation leave may be taken as vacation leave. In the case of death, compensation for unused vacation leave shall be computed and paid as prescribed by the office of financial management. No lump sum cash payment for unused vacation leave shall be made upon termination of employment, except for vacation leave earned prior to July 1, 1982, or in case of death.

(3) 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), 41.06.100, or WAC 356-06-055.

(4) 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.

(5) The separation cited in subsection (3) of this section 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. 83-01-115 (Order 179), § 356-18-100, filed 12/22/82. Statutory Authority: RCW 41.06.150(17). 82-19-092 (Order 175), § 356-18-100, filed 9/22/82; 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 356-18-105 Exit leave.** (1) Employees who separate from the state service (voluntarily or involuntarily, except by death) and are not members of the public employees retirement system Plan 1 shall exhaust their accrued vacation leave to which they are entitled by taking exit leave.

(2) Effective July 1, 1983, exit leave time shall not be credited toward sick leave or periodic increments.

(3) Time spent in exit leave by employees in probationary or trial service status shall not be credited toward gaining permanent status.

(4) Time spent in exit leave shall not be counted as part of the advance notice required for dismissals, demotions, suspensions, or separations due to reduction-in-force.

(5) Employees may not take accrued sick leave during the period of exit leave. [Statutory Authority: RCW 41.06.150. 83-01-115 (Order 179), § 356-18-105, filed 12/22/82.]

**WAC 356-18-110 Vacation leave--Allowance.** (1) Full time employees shall not use or be compensated for vacation leave credits until completion of six months continuous state service. Employees whose payroll hours are usually less than 40 hours a week shall not use nor be compensated for vacation leave credits until completion of twelve months of regularly scheduled service with state government.

(2) All requests for vacation leave shall be in writing and must be approved in advance of the effective date unless used in lieu of sick leave or for emergency child care, or the supervisor chooses to approve the vacation leave on a retrospective basis.

(3) In granting requests for vacation leave the employing agency shall give due regard to the needs of the employee but may require that leave be taken when it will least interfere with the work of the agency. [Statutory Authority: RCW 41.06.150(17). 81-07-030 (Order 152), § 356-18-110, filed 3/13/81; Order 84, § 356-18-110, filed 10/20/75; Order 45, § 356-18-110, filed

4/17/72; Order 36, § 356-18-110, filed 7/1/71, effective 8/1/71. Formerly WAC 356-12-100(6).]

**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.

(f) Leave taken voluntarily to reduce the effect of an agency reduction-in-force, leaving the employee's standing with regard to the RIF register in tact.

(3) Leave without pay shall not total more than 12 months in any consecutive five-year period, except for:

(a) Leaves without pay for military, U.S. Public Health Service or Peace Corps;

(b) Authorized government leave not exceeding two years;

(c) Employees receiving time loss compensation; or

(d) Educational leaves under provisions of WAC 356-39-120. [Statutory Authority: RCW 41.06.150(17). 81-20-060 (Order 161), § 356-18-140, filed 10/5/81; 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 356-18-150 Leave--Newborn or adoptive child care--Provision.** Child care leave without pay may be authorized to a permanent employee who is the parent of a newborn child or is the adoptive parent of a child if the leave is requested in advance by the employee (leave must be requested within 60 days of adoption). The duration of the leave shall be no more than six months. Prior to taking child care leave, employees shall indicate in writing the duration of the leave. Employees shall be allowed to use their accrued vacation leave, or any portion thereof, in conjunction with unpaid child care leave granted in accordance with this rule. Because of operational necessity, an agency may deny child care leave. In such cases employees shall be informed of their right to petition this decision to the director of personnel. The director may require that child care leave be granted by the agency upon petition by the employee. When an agency denies child care leave under this rule, and the director of personnel does not require it, an employee who vacates her/his position for the

purpose of child care may request reemployment at any time within a six month period after vacating the position, and after such request to the department of personnel shall be offered the first opening in the former class and work location. This offer of employment shall take precedence over all registers except the reduction-in-force register. [Statutory Authority: RCW 41.06.150(17), 81-09-037 (Order 153), § 356-18-150, filed 4/15/81; Order 90, § 356-18-150, filed 9/7/76; Order 77, § 356-18-150, filed 5/7/75; Order 36, § 356-18-150, filed 7/1/71, effective 8/1/71. Formerly WAC 356-12-190.]

**WAC 356-18-210 Repealed.** See Disposition Table at beginning of this chapter.

**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, or if the leave without pay is taken voluntarily by an employee to help reduce the effect of an agency reduction-in-force. 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 41.06.150(17), 81-20-060 (Order 161), § 356-18-220, filed 10/5/81. 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	
356-22-090	Examinations--Composition.
356-22-120	Examinations--Promotional--Evaluations--Regulations.

**WAC 356-22-090 Examinations--Composition.** (1) The director of personnel, or designated representative,

shall determine, by uniform standards, the appropriate examination for a register for a class and the tests, or combination of tests and relative weights to be assigned. Examinations shall be practical in nature and of such character as to determine the capacity of the applicant to perform the duties of the particular class of positions for which the applicant is competing as well as the applicant's general background and related knowledge, and shall be rated objectively. A passing score may be required on each test included in the examination.

Examinations shall normally consist of one or a combination of the following:

- (a) A written test.
- (b) A performance test.
- (c) An oral test.
- (d) An evaluation of experience and training.

(2) When the director of personnel determines that the number of applicants responding to an examination announcement is excessive in relation to the number of projected job openings, the director may limit admission to the oral test to those scoring highest on a preliminary test which may be a written test, performance test, or an evaluation of experience and training. The number admitted to the oral test shall be at least twice the number of anticipated vacancies for the subsequent year or 20% of those applicants with passing scores, whichever is greater; but never less than 16 or the entire body of passing applicants, whichever is less.

(3) When the director of personnel determines that the number of applicants to be admitted to the oral examination will be limited by a screening procedure as authorized by WAC 356-22-090(2), the department will ensure that, in addition, a representative number of those protected group members who were accepted under the examination announcement and who passed the preliminary test are also admitted to the oral examination. [Statutory Authority: RCW 41.06.150(17), 81-13-030 (Order 157), § 356-22-090, filed 6/15/81; Order 49, § 356-22-090, filed 8/17/72; Order 44, § 356-22-090, filed 4/14/72; Order 36, § 356-22-090, filed 7/1/71, effective 8/1/71. Formerly WAC 356-16-180 and 356-16-190.]

**WAC 356-22-120 Examinations--Promotional--Evaluations--Regulations.** (1) Inter-agency and intra-agency promotional examinations shall be announced as the director of personnel determines the need and shall be open to current 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 of personnel determines such promotional evaluations are practical and necessary to improve the effectiveness of the examination. [Statutory Authority: RCW 41.06.150(17). 82-19-092 (Order 175), § 356-22-120, filed 9/22/82; 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.]

### Chapter 356-26 WAC REGISTERS—CERTIFICATION

#### WAC

356-26-030	Register designation.
356-26-040	Registers—Name removal for cause—Grounds enumerated—Requirements.
356-26-060	Certification—General methods.
356-26-070	Certification—Registers—Order of rank—Exception.

**WAC 356-26-030 Register designation.** (1) Agency reduction-in-force.

(a) Composition.

(i) The agency reduction-in-force register will consist of classes and the names of all employees who hold or have held permanent status in those classes and: (A) Have been notified they are scheduled for reduction-in-force; or (B) held permanent status prior to separation due to a reduction-in-force; or (C) who have accepted a voluntary demotion in a class in lieu of a reduction-in-force; or (D) were in a trial service period with another department and separated due to reduction-in-force; or (E) employees requesting to be placed on this register for classes held immediately prior to the position being reallocated downward; or (F) who were separated due to disability within the last year as provided in WAC 356-35-010 and who have submitted to the director of personnel a current physician's statement that they are physically able to perform the duties of the class for which the register is established.

(ii) The employee's name shall appear for all classifications for which he/she is not disabled in which he/she held permanent status since the employee's last separation other than a reduction-in-force, or in which he/she served more than six months on a position which would have meant permanent status had it been under the jurisdiction of the state personnel board at the time.

(b) Method of ranking.

(i) This register will be ranked according to seniority.

(c) Life of register.

(i) An eligible's name will normally remain on this register for three years.

(d) Special provisions.

(i) Employees appointed from this register will assume the same status they held prior to the reduction-in-

force. Persons on this register will indicate the geographic areas in which they are available. Appointment of persons from this register to seasonal positions will be as provided in WAC 356-30-130.

(ii) Employee's names shall not appear for classes at or below the range level of a class in which the employees are serving on a permanent fulltime basis, except when the employees have accepted options beyond a reasonable commuting distance in lieu of separation due to reduction-in-force. In the excepted cases, the employees' names may appear for classes at the same or lower range levels when the availability would return the employees back to their previous work locations.

(2) Service-wide reduction-in-force.

(a) Composition.

(i) This register will consist of the same names as the agency reduction-in-force register, except for those requesting to be on the agency reduction-in-force register following a reallocation downward.

(b) Method of ranking.

(i) This register will be ranked according to seniority.

(c) Life of register.

(i) An eligible's name will normally remain on this register for two years.

(d) Special provisions.

(i) Employees appointed from this register will assume the same status they held prior to the reduction-in-force. Persons on this register will indicate the geographic areas and departments for which they are available. Appointment of persons from this register to seasonal positions will be as provided in WAC 356-30-130.

(3) Dual-agency reversion.

(a) Composition.

(i) This register will contain the names of employees who while serving a trial service period in another agency were either voluntarily or involuntarily reverted to their former class and status.

(b) Method of ranking.

(i) This register will be ranked according to total unbroken classified service.

(c) Life of register.

(i) An eligible's name will normally remain on this register for two years.

(d) Special provisions.

(i) This register refers to the agency from which promoted and the agency from which reverted. Employees appointed from this register will assume the status they held prior to promotion. Persons on this register will indicate the geographic area in which they are available.

(4) Agency promotional.

(a) Composition.

(i) This register will be established by appropriate classes and shall include the names of those employees who have served six months of a probationary period, or past permanent employees who have been separated due to reduction-in-force within the last year and who have received a passing final grade in the total promotional examination and are eligible to be certified. The names of past permanent employees who were separated due to disability within the last year as provided in WAC 356-

35-010 shall also be included on this register provided that they submit to the director of personnel a physician's statement that they are physically able to perform the duties of the class for which the register is established and they have received a passing final grade as required for other promotional applicants.

(b) Method of ranking.

(i) This register shall be ranked according to final score from the highest to the lowest.

(c) Life of register.

(i) An eligible's name will normally remain on this register for an indefinite period unless replaced by a register established by the use of a substantially new examination.

(d) Special provisions.

(i) An employee may convert any current open competitive rating to this register after six months.

(5) Service-wide reversion.

(a) Composition.

(i) This register will contain the names of employees who while serving a trial service period in another agency were either voluntarily or involuntarily reverted to their former class and status.

(b) Method of ranking.

(i) This register will be ranked according to total unbroken classified service.

(c) Life of register.

(i) An eligible's name will normally remain on this register for two years.

(d) Special provisions.

(i) This register refers to all agencies, except the two which are involved with the dual-agency transaction. Persons on this register will indicate the geographic areas and agencies for which they are available.

(6) Transfer.

(a) Composition.

(i) This register shall contain the names of all permanent employees who have submitted a request to be considered for transfer.

(b) Method of ranking.

(i) This register will be unranked.

(c) Life of register.

(i) An eligible's name shall normally remain on this register for one year.

(d) Special provisions.

(i) To use this register, the employee must transfer either within the same class or the same pay range having the same salary range number.

(7) Voluntary demotion.

(a) Composition.

(i) This register shall contain the names of all permanent employees who have submitted a request for and are eligible under the rules to be considered for a voluntary demotion.

(b) Method of ranking.

(i) This register shall be unranked. However, employees subject to reduction-in-force shall have priority.

(c) Life of register.

(i) An eligible's name shall normally remain on this register for one year.

(d) Special provisions.

(i) Employees appointed from this register to a class not previously held will serve a trial service period. All examination ratings for the class from which demoted shall be nullified; however, the employee may be elevated to the class from which demoted with permanent status without benefit of certification provided permanent status was achieved at the higher level.

(8) Service-wide promotional.

(a) Composition.

(i) This register shall contain the names of those employees who have served six months of a probationary period or past permanent employees who have been separated due to reduction-in-force within the last year who have obtained a passing final grade in the total promotional examination. The names of past permanent employees who were separated due to disability within the last year as provided in WAC 356-35-010 shall also be included on this register provided that they submit to the director of personnel a physician's statement that they are physically able to perform the duties of the class for which the register is established and they have received a passing final score as required for other promotional applicants.

(b) Method of ranking.

(i) This register shall be ranked according to final score, from the highest to the lowest.

(c) Life of register.

(i) An eligible's name will normally remain on this register for an indefinite period unless replaced by a register established by the use of a substantially new examination.

(d) Special provisions.

(i) An employee may convert any current open competitive rating to this register after six months. Persons on this register will indicate the geographic areas and agencies for which they are available.

(9) Reemployment.

(a) Composition.

(i) This register shall contain the names of all past permanent employees who have submitted a request and an application for reemployment within two years from the date of separation, provided that the names of employees separated for cause while performing similar duties shall not be placed on this register except with the approval of the agency from which they were separated for cause. This register shall also contain the names of those employees who have been in reversion or reduction-in-force status and have been offered and declined employment. The director of personnel may extend the time during which an employee may apply for reemployment if the director of personnel has determined that a need for eligibles exists in a certain class and/or geographical area.

(b) Method of ranking.

(i) This register shall be unranked.

(c) Life of register.

(i) An eligible's name will normally remain on this register for two years.

(d) Special provisions.

(i) Persons reemployed from this register will serve a probationary period. The former employee may limit or

enlarge upon his/her area of availability either by department or geographic area.

(10) Open competitive.

(a) Composition.

(i) This register will contain the names of all persons who have passed the entrance examination.

(b) Method of ranking.

(i) This register shall be ranked by the final score.

(c) Life of register.

(i) An eligible's name will normally remain on this register for one year unless changed by the director of personnel.

(d) Special provisions.

(i) Persons on this register will indicate the geographic areas for which they are available. [Statutory Authority: RCW 41.06.150. 83-01-115 (Order 179), § 356-26-030, filed 12/22/82. Statutory Authority: RCW 41.06.150(17). 82-19-092 (Order 175), § 356-26-030, filed 9/22/82; 81-20-060 (Order 161), § 356-26-030, filed 10/5/81; 80-13-047 (Order 147), § 356-26-030, filed 9/16/80; Order 58, § 356-26-030, filed 9/10/73; Permanent and Emergency Order 50, § 356-26-030, filed 10/19/72; Order 40, § 356-26-030, filed 12/10/71; Order 36, § 356-26-030, filed 7/1/71, effective 8/1/71. Formerly WAC 356-16-330, 356-16-340, 356-16-350, 356-16-360, 356-16-370, 356-16-380, 356-16-390, 356-16-400.]

**WAC 356-26-040 Registers--Name removal for cause--Grounds enumerated--Requirements.** (1) Upon notifying the personnel board of the intended action, the director of personnel or designee may remove the name of an eligible from a register for any of the following reasons:

(a) For any of the causes stipulated in the chapter on appeals (WAC 356-34-010).

(b) On evidence that the eligible cannot be located by the postal authorities.

(c) On receipt of a statement from the eligible declining an appointment and/or future interest in positions in that class.

(d) If a candidate from a reduction-in-force register, a dual agency reversion register, or a promotional register has twice waived consideration for a position in the class for which the register was established.

(e) If an eligible fails to reply to a written inquiry as to availability after five days in addition to the time required to receive and return the inquiry.

(f) If an eligible accepts an appointment and fails to report for duty at the time and place specified without giving satisfactory reasons for the delay to the appointing authority.

(g) If an eligible was certified and reported "not satisfactory" on three occasions or if the eligible was certified and the appointing authority reported the eligible "considered but not appointed" on four separate occasions, or if the appointing authority reports either "not satisfactory" or "considered but not appointed" for a total of four times.

(h) If an open competitive eligible indicates availability in a specific geographic area and subsequently refuses referral or appointment to a position in that area.

(2) The director of personnel or designee shall notify the eligible of this action and the reasons therefore by mail to the last known address, except in those cases in (1)(b) or (c) above. The director of personnel should advise the eligible of the right to appeal.

(3) An eligible's name shall be reinstated on the register upon showing of cause satisfactory to the director of personnel or in accordance with the decision of the personnel board upon appeal. [Statutory Authority: RCW 41.06.150(17). 82-19-092 (Order 175), § 356-26-040, filed 9/22/82; 81-13-030 (Order 157), § 356-26-040, filed 6/15/81; Order 87, § 356-26-040, filed 5/4/76, effective 6/5/76; Order 81, § 356-26-040, filed 8/21/75, effective 9/21/75\*; Order 76, § 356-26-040, filed 3/31/75; Order 36, § 356-26-040, filed 7/1/71, effective 8/1/71. Formerly WAC 356-16-410.]

\*Reviser's note: The amendment of this section by Order 81 was enjoined by the Superior Court of Thurston County in Cause No. 53071.

**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 four more than there are vacancies to be filled from the ranked registers except:

(1) When there are names to be certified from the agency reduction-in-force register and/or the service-wide reduction-in-force register and when the number of names is less than equal to four more names than there are vacancies to be filled, the director of personnel shall initially certify only the reduction-in-force register's names. The appointing authority may request additional names in ranked register order to satisfy the statutory maximum allowed provided the appointing authority has first indicated, in writing, to the director of personnel and the certified candidates why additional names are being requested.

(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 five names per vacancy to be filled.

(3) When more than one candidate has the same examination rating and when necessary to limit the number of names to four more than the number of vacancies, ties shall be broken by lot upon each instance of certification.

(4) An unranked register may be used to complete a certification. In such cases, all names appearing on that register shall be certified. Subsequent unranked registers shall not be used until the certification is again incomplete.

(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 designee may refer, for the following classes, a sufficient number of names to assure that requesting agencies have not less than five 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
- Word Processing Operator 1
- Word Processing Operator 2
- Clerk-Steno 1
- Clerk-Steno 2
- PBX Operator
- Data Entry Operator 1
- Data Entry Operator 2

If such certification contains five or more available promotional candidates, agencies shall appoint from the promotional candidates.

(8) Permanent employees certified from a ranked register for consideration of appointment shall be notified by the agency at the time of the referral. Upon appointment the agency shall advise those employees certified but not appointed of the action taken. [Statutory Authority: RCW 41.06.150(17). 82-19-092 (Order 175), § 356-26-060, filed 9/22/82; 81-20-060 (Order 161), § 356-26-060, filed 10/5/81; 81-03-017 (Order 151), § 356-26-060, filed 1/12/81. Statutory Authority: RCW

41.06.140(17). 80-04-025 (Order 142), § 356-26-060, filed 3/14/80. 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, agencies may request the director of personnel to certify names combined from registers (4), (8), and (10) provided:

(1) That the written request to the director shall be evidence of assurance that:

(a) Such a request will not harmfully affect utilization of protected group members who are applicants for this class.

(b) If the position is within a collective bargaining unit, the exclusive representative will be provided copy of the request.

(c) That the request is in the best interest of the state and not solely intended to circumvent the policy of promotion from within the state as provided in WAC 356-30-150.

(2) Request for combined registers must be made on a position-by position or a class basis and prior to recruitment. [Statutory Authority: RCW 41.06.150(17). 81-20-060 (Order 161), § 356-26-070, filed 10/5/81; 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.]

**Chapter 356-30 WAC  
APPOINTMENTS--SEPARATIONS**

- WAC 356-30-007 Appointment--Authority--Delegation of.
- 356-30-045 Repealed.
- 356-30-080 Temporary employment--Exempt service.

356-30-146	Repealed.
356-30-160	Eligibility for promotional examination and certification.
356-30-260	Probationary period—Provisions—Status of employee.
356-30-280	Probationary period—Transfer, intra-agency appointment to higher class.
356-30-290	Reassignment.
356-30-300	Performance evaluation—Requirements—Monitoring.
356-30-305	Trial service period—Provision.
356-30-330	Reduction-in-force—Rules, regulations—Procedure.
356-30-335	Reduction-in-force—Voluntary leave without pay—Return—Procedures.

#### DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

356-30-045	Appointments—Past exempt employees—To classified positions. [Order 82, § 356-30-045, filed 9/26/75, effective 10/27/75; Order 63, § 356-30-045, filed 2/26/74.] Repealed by 82-19-092 (Order 175), filed 9/22/82. Statutory Authority: RCW 41.06.150(17).
356-30-146	Project employment—CETA—Title II and VI. [Statutory Authority: RCW 41.06.140(17). 80-04-025 (Order 142), § 356-30-146, filed 3/14/80. 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.] Repealed by 83-01-115 (Order 179), filed 12/22/82. Statutory Authority: RCW 41.06.150.

**WAC 356-30-007 Appointment—Authority—Delegation of.** Appointments will be made by the appointing authority or authorities of an agency. A head of an agency may delegate the responsibilities and duties of an appointing authority to appoint persons to be employees of their agency. Delegation of the authority will be limited to persons in positions reporting directly to the head of the agency or the deputy, if any, or persons who are at least the heads of a major subdivision of an agency. The delegation shall apply only to heads of agencies that do not already have such specific statutory authority to so delegate. [Statutory Authority: RCW 41.06.150(17). 82-19-092 (Order 175), § 356-30-007, filed 9/22/82.]

**WAC 356-30-045 Repealed.** See Disposition Table at beginning of this chapter.

**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 continuous twelve month period, 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 356-39-120 and 356-39-130. 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 41.06.150(17). 80-15-052 and 81-03-064 (Orders 148 and 148A), § 356-30-080, filed 10/13/80 and 1/20/81. 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 356-30-146 Repealed.** See Disposition Table at beginning of this chapter.

**WAC 356-30-160 Eligibility for promotional examination and certification.** No probationary employee shall be certified from a promotional register until the employee has served at least six months of a probationary period; however, a probationary employee may be admitted to a promotional examination if the announcement for the position vacancy has an established closing date and if the employee has served four months of the probationary period. Employees who are otherwise qualified will be admitted to promotional examinations if they are within two months of the experience minimum qualifications and are assigned to a position which provides qualifying experience. [Statutory Authority: RCW 41.06.150(17). 82-19-092 (Order 175), § 356-30-160, filed 9/22/82; Order 36, § 356-30-160, filed 7/1/71, effective 8/1/71. Formerly WAC 356-24-040.]

**WAC 356-30-260 Probationary period—Provisions—Status of employee.** (1) Employees who receive appointments to permanent positions from the open competitive register and the reemployment register shall serve a probationary period of six to twelve months as determined by the personnel board. The personnel board shall designate a probationary period of six months for all positions in a class unless they determine that job requirements of the class require a longer period (up to twelve months) to provide adequate training and/or evaluation. The personnel board shall apply the following criteria for approving probationary periods of longer than six months:

(a) The work of the majority of the positions in the class is of such a nature that performance of the full range of duties cannot be properly evaluated within six months after an appointment.

OR

(b) Work of the class is cyclical in nature and the workload cycle cannot be completed within six months after an appointment.

OR

(c) Work is of such a nature that extended formalized training is required prior to the full assumption of duties.

All positions in a class shall have the same probationary period.

(2) All persons at time of appointment shall be notified in writing by the agency of the length of their probationary period. When the probationary period for a class is increased beyond six months, the increased probationary period shall apply only to persons appointed after the effective date of the change.

(3) The probationary period will provide the appointing authority with the opportunity to observe a new employee's work, to train and aid the new employee in adjustment to the position, and to terminate any employee whose work performance fails to meet the required standards.

(4) Permanent appointment of a probationary employee shall be automatic unless the person is dismissed under provision of WAC 356-30-270.

(5) Veterans and their widows who have not remarried and are in probationary status will be granted seniority preference only within ranks of probationary employees and will not be granted preference within the ranks of the permanent employees until they acquire permanent status. [Statutory Authority: RCW 41.06.150(17), 82-19-092 (Order 175), § 356-30-260, filed 9/22/82; Order 36, § 356-30-260, filed 7/1/71, effective 8/1/71. Formerly WAC 356-20-220.]

**WAC 356-30-280 Probationary period--Transfer, intra-agency appointment to higher class.** (1) An employee shall not be transferred during the probationary period except as provided in subsection (3) below. An employee may be promoted after serving six months in a probationary period and shall begin a trial service period upon promotion.

(2) When an employee is appointed to a higher class while serving in a probationary period, the probationary period and the new trial service period for the higher class shall overlap provided that the higher and lower classes are in the same or a closely related field. The employee shall complete the terms of the original probationary period and be given permanent status in the lower class. Such employees will also be granted the rights normally accruing to trial service for the remainder of the trial service period in the higher class. In such cases where the lower class has a longer probationary period than trial service period for the higher class, the probationary period for the lower class shall continue to run under its original terms as long as the employee continues to perform satisfactorily in the higher class.

(3) An employee in a probationary period may be transferred in lieu of reduction-in-force or for training

purposes related to the probationary period and will continue to serve out the probationary period. [Statutory Authority: RCW 41.06.150(17), 82-19-092 (Order 175), § 356-30-280, filed 9/22/82; 82-03-030 (Order 165), § 356-30-280, filed 1/18/82; Order 36, § 356-30-280, filed 7/1/71, effective 8/1/71. Formerly WAC 356-20-250.]

**WAC 356-30-290 Reassignment.** A probationary employee may be assigned to another position in the same class if both positions are in the same work unit and the agency shall notify the director of personnel of the change. [Statutory Authority: RCW 41.06.150(17), 82-03-030 (Order 165), § 356-30-290, filed 1/18/82; Order 36, § 356-30-290, filed 7/1/71, effective 8/1/71.]

**WAC 356-30-300 Performance evaluation--Requirements--Monitoring.** (1) Agencies shall evaluate the performance of their employees during their probationary or trial service periods and at least once a year thereafter.

(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.

(3) Agencies will utilize the procedures and evaluation forms prescribed by the director of personnel, supplement 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 41.06.150(17), 82-19-092 (Order 175), § 356-30-300, filed 9/22/82. 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.]

**WAC 356-30-305 Trial service period--Provision.** (1) Employees who are promoted, demoted, or who are appointed from a promotional register shall serve a trial service period of six months. The trial service period will provide the appointing authority with the opportunity to observe the employee's work and to train and aid the employee in adjustment to the position, and to revert such an employee whose work performance fails to meet required standards. Reversions shall be under the provisions of WAC 356-30-320.

(2) When an employee is appointed to a higher class while serving in a trial service period, the trial service period for the lower class and the new trial service period for the higher class shall overlap provided that the higher and lower classes are in the same or a closely related field. The employee shall complete the terms of the original trial service period and be given permanent status in the lower class. Such employees will also be granted the rights normally accruing to trial service for the remainder of the trial service period in the higher class. [Statutory Authority: RCW 41.06.150(17), 82-19-092 (Order 175), § 356-30-305, filed 9/22/82.]

**WAC 356-30-330 Reduction-in-force--Rules, regulations--Procedure.** (1) Employees may be separated in accordance with the statutes and the agencies' approved reduction-in-force procedures after fifteen calendar days' notice in writing, without prejudice, because of lack of funds or curtailment of work, or good faith reorganization for efficiency purposes.

Incumbents of positions reclaimed by previously exempted employees will have the rights and options of the approved procedures developed as prescribed below when the positions are being reclaimed in accordance with RCW 41.06.070(22), 41.06.100, and WAC 356-30-045.

(2) The agencies shall develop a reduction-in-force procedure which shall include:

(a) The definition of "seniority" as defined in WAC 356-06-010.

(b) Clearly defined layoff limits, either geographically or by administrative units or both, so as to limit the disruption of an agency's total operation; but not so small as to unduly restrict the options available to employees with greater seniority.

(c) "Bumping" by employees with greater seniority will be limited to the same layoff unit.

(i) Classifications in which the "bumping" employee previously held permanent status.

(ii) Position at the current salary range of the employee doing the bumping, or lower.

(iii) Employees with the least seniority.

(iv) Competition at one progressively lower classification at a time.

(d) Offers of options in lieu of separation by reduction-in-force by an agency only when such options are in accordance with the agency's procedure which has been approved by the director of personnel.

(e) The rights for employees who have been scheduled for reduction-in-force to take a transfer or a voluntary demotion to a vacancy that is to be filled in their own layoff unit for which they qualify, as determined by the director of personnel. This right to be exercised according to the seniority of those desiring the same vacancy.

(f) Rights and obligations for employees to accept or reject options offered in lieu of separation due to reduction-in-force.

(g) The right to actually "bump" only after the employee to be "bumped" has received fifteen calendar days' notice of the scheduled action.

(h) The statement that, "No permanent employee shall lose a position through reduction-in-force without

being offered those positions within the layoff unit for which he/she qualifies, currently being held by emergency, temporary, provisional, or probationary employees; but only within fifteen calendar days prior to what would be the permanent employee's effective separation."

(i) For purposes of reduction-in-force (WAC 356-30-330), seniority shall be determined by the definition in WAC 356-06-010; and, if necessary, by measuring the employees' last continuous time within their current classification; and, if still necessary, by measuring the employees' last continuous time in their current agency. When the above seniority determination process results in a tie, the tie will be broken by comparing the employees' last regular annual performance evaluation.

(j) The salary of an employee who has accepted a lower position will be reduced to the top of the range of the lower class unless the previous salary is within the range of the new class, in which case it will remain unchanged.

(3) The agency shall file the procedure with the director of personnel for approval.

(4) Vacancies will not be filled either by local list procedures or on a provisional, temporary, or seasonal basis without contacting the department of personnel in an effort to fill the positions by qualified employees who have been or are scheduled for separation due to reduction-in-force.

(5) When a majority of the positions in a reduction-in-force unit is to be eliminated because of a lack of funds and/or work, permanent employees in such positions shall be offered, according to their seniority, those positions in classes in which they have held permanent status which are currently being held by emergency, temporary, provisional, or probationary employees; provided they have not rejected offers of vacant positions made by certifications from the registers.

(a) Positions in the employee's own agency and within a reasonable commuting distance shall be offered first; second, in the classified service within a reasonable commuting distance; third, anywhere within the employee's own agency; and fourth, throughout the classified service.

(b) A permanent employee's right to fill a position may be exercised only within fifteen calendar days prior to the effective date of separation.

(c) Offers will be made in accordance with a procedure established by the director of personnel.

(6) In order to exercise an option to a position for which selective criteria were approved when the position was established, reallocated or last filled, and when such specialized qualifications as determined by the director of personnel or designee to be still essential for successful job performance, an employee must possess the specialized qualifications established for the position.

(7) Time to be spent on exit leave shall not be considered in determining reduction-in-force options or the order of separation due to reduction-in-force. [Statutory Authority: RCW 41.06.150, 83-01-115 (Order 179), § 356-30-330, filed 12/22/82. Statutory Authority: RCW 41.06.150(17), 82-19-092 (Order 175), § 356-30-330,

filed 9/22/82; 81-20-060 (Order 161), § 356-30-330, filed 10/5/81; Order 112, § 356-30-330, filed 11/7/77; Order 63, § 356-30-330, filed 2/26/74; Order 58, § 356-30-330, filed 9/10/73; Order 36, § 356-30-330, filed 7/1/71, effective 8/1/71. Formerly WAC 356-24-400.]

**WAC 356-30-335 Reduction-in-force--Voluntary leave without pay--Return--Procedures.** (1) Upon written agreement between an employee and the employing agency, an employee may voluntarily take leave without pay or reduced hours to reduce the effect of an agency reduction-in-force.

(2) An employee on leave without pay or reduced hours under the provisions of this rule may, after giving the employing agency 15 days written notice, return to the former full or parttime work status.

(3) The employing agency may, upon giving an employee on leave without pay or reduced hours under the provisions of this rule 15 days written notice, return the employee to the former full or parttime work status. [Statutory Authority: RCW 41.06.150(17). 82-09-022 (Order 169), § 356-30-335, filed 4/12/82.]

#### Chapter 356-34 WAC DISCIPLINARY ACTIONS--APPEALS

WAC	
356-34-011	Appointing authority--Delegation of.
356-34-080	Appeals from disciplinary actions, presumed abandonment, violations of law or rules--Filing period.
356-34-113	Prehearing procedures--Exhibits and possible stipulations--Witnesses.
356-34-115	Statement of position--Hearings.
356-34-117	Scheduling of hearings--Time allotted.
356-34-118	Hearings--Continuances.
356-34-119	Argument--Time limitation--Hearings.

**WAC 356-34-011 Appointing authority--Delegation of.** A head of an agency may delegate the responsibilities and duties of an appointing authority including authority to reduce, dismiss, suspend, or demote employees within their agency. Delegation of the authority will be limited to persons in positions reporting directly to the head of the agency or the deputy, if any, or persons who are the heads of the major divisions of the agency. The delegation shall apply only to heads of agencies that do not already have such specific statutory authority to do delegate. [Statutory Authority: RCW 41.06.150(17). 82-19-092 (Order 175), § 356-34-011, filed 9/22/82.]

**WAC 356-34-080 Appeals from disciplinary actions, presumed abandonment, violations of law or rules--Filing period.** (1) Any permanent employee who is demoted, suspended, reduced, dismissed, or presumed to have abandoned his/her position may appeal such action to the personnel appeals board as provided in Title 358 WAC.

(2) Any employee who is adversely affected by a violation of the State Civil Service Law, chapter 41.06

RCW, or of the merit system rules (Title 356 WAC) may appeal such violation to the personnel appeals board as provided in Title 358 WAC. [Statutory Authority: RCW 41.06.150(17). 81-23-031 (Order 163), § 356-34-080, filed 11/16/81; Order 89, § 356-34-080, filed 6/30/76, effective 7/31/76; Order 36, § 356-34-080, filed 7/1/71, effective 8/1/71. Formerly WAC 356-28-010, 356-28-040, 356-28-050.]

**WAC 356-34-113 Prehearing procedures--Exhibits and possible stipulations--Witnesses.** (1) At any hearing before the personnel board when exhibits of a documentary character are offered into evidence, the party offering the exhibit shall provide a minimum of six copies; one each for the opposing party(ies), for the personnel board members or hearings officer copies; one each for the opposing party(ies), for the personnel board members or hearings officer, for the court reporter, if any, and for the personnel board's hearings coordinator.

(2) The parties shall arrive at the hearing location in sufficient time before the time scheduled for the hearing for the purpose of exchanging copies of exhibits to be introduced. Whenever practicable, the parties shall have the exhibits which they intend to offer into evidence premarked for identification by the personnel board's hearings coordinator before the scheduled time for commencement of the hearing.

(3) Whenever practicable, the parties should discuss the possibility of obtaining stipulations, admissions of facts and of documents prior to the hearing. If a particular matter appears from the file to be complex, or if the parties so request, the personnel board may request its hearings coordinator to meet with the parties prior to the day set for the hearing to discuss the possibility of obtaining stipulations, admissions of fact and of documents, and simplification of issues. The personnel board will not make such a request on its own motion unless all parties are appearing through representatives.

(4) Whenever practicable, the parties should exchange lists of witnesses prior to the day set for the hearing. [Statutory Authority: RCW 41.06.150(17). 82-19-092 (Order 175), § 356-34-113, filed 9/22/82; Order 89, § 356-34-113, filed 6/30/76, effective 7/31/76; Order 61, § 356-34-113, filed 1/15/74.]

**WAC 356-34-115 Statement of position--Hearings.**

(1) Parties are encouraged to file prehearing statements of position with the personnel board. The statements should include a summary of the evidence the party intends to present; a listing of the rules, statutes, or contract provisions upon which the party intends to rely; a statement of the disposition requested; and an argument as to why the party is entitled to the requested disposition.

(2) If a party wishes to provide a prehearing statement of position, he or she must serve a copy of the statement on each opposing party, on each personnel board member, and on the personnel board's hearings coordinator. Service shall be accomplished either personally or by mail. However service is made, it must be

timed so that the statement will be received by the persons upon whom service is to be made at least three business days prior to the hearing.

(3) Statements of position filed at the time of the hearing will not be considered by the personnel board unless for good cause shown the personnel board directs otherwise. [Statutory Authority: RCW 41.06.150(17), 82-19-092 (Order 175), § 356-34-115, filed 9/22/82.]

**WAC 356-34-117 Scheduling of hearings--Time allotted.** In all hearings before the personnel board, the personnel board's hearings coordinator will set the date of the hearing and the amount of time allotted to each party for the hearing. Prior to setting the matter, the hearings coordinator will consult with all parties as to available dates and length of hearing. [Statutory Authority: RCW 41.06.150(17), 82-22-020 (Order 177), § 356-34-117, filed 10/26/82.]

**WAC 356-34-118 Hearings--Continuances.** Upon receipt of a notice of hearing, or as soon thereafter as circumstances necessitating a continuance come to its knowledge, any party desiring to continue the hearing to a later date shall make a request for continuance to the personnel board, or hearing examiner. All continuance requests shall be in writing and, in detail, shall specify the reasons the continuance is necessary. In passing upon a request for continuance, the personnel board, or hearing examiner, shall consider whether the request was promptly and timely made. For good cause shown, the personnel board, or hearing examiner, may grant a continuance and may at any time order a continuance on its or his/her own motion. [Statutory Authority: RCW 41.06.150(17), 82-22-020 (Order 177), § 356-34-118, filed 10/26/82.]

**WAC 356-34-119 Argument--Time limitation--Hearings.** As a general rule, the personnel board will restrict the argument portion of a proceeding to thirty minutes per side. The personnel board may grant additional time as it deems necessary under the circumstances. [Statutory Authority: RCW 41.06.150(17), 82-22-020 (Order 177), § 356-34-119, filed 10/26/82.]

#### Chapter 356-35 WAC

#### DISABILITY--SEPARATION--APPEALS--PROCEDURES

WAC

356-35-010 Disability--Separation--Appeals--Procedures.

**WAC 356-35-010 Disability--Separation--Appeals--Procedures.** (1) When a permanent employee becomes disabled, employment may be terminated by the appointing authority after a minimum of 60 calendar days written notice, provided that the employee shall be allowed to exhaust accrued sick leave before separation if the disability prevents attendance at work. When a disabled employee chooses to receive time loss compensation as provided in WAC 356-18-080, the employee

shall not be separated due to disability until all accrued sick leave is exhausted. Separations due to disability shall not be considered disciplinary actions and shall be appealable to the personnel appeals board on grounds that a disability does not exist. The 60 calendar days notice shall not be required when the employee requests and the appointing authority approves a shorter notice period.

(2) For purposes of this rule, determinations of disability shall be made by an appointing authority only at the employee's written request or after obtaining a physician's written statement. The appointing authority may require an employee to obtain a medical examination at agency expense from a physician of the agency's choice. In such cases, the agency shall provide the physician with the specification for the employee's class and a description of the employee's position. Evidence may be requested from the physician regarding the employee's physical ability to perform the specified duties.

(3) At the time of notification that his/her employment will be terminated because of disability, the employee shall be informed by the appointing authority of the right to appeal. The appeal must be filed in writing to the personnel appeals board as provided in Title 358 WAC within 30 days after notice of separation is given.

(4) During the notice period required by paragraph (1) an employee being separated due to disability shall be counseled by the agency regarding benefits for which the employee may be eligible through employees' insurance plans, social security, worker's compensation, veteran's benefits, public assistance, disability retirement, vocational rehabilitation, and such other related programs as may be available.

(5) The names of permanent employees who have been separated because of disability shall be placed on reduction-in-force and promotional registers by the director of personnel as provided in WAC 356-26-030 upon submission of a physician's statement that they are physically able to perform the duties of the class(es) for which the registers are established. [Statutory Authority: RCW 41.06.150(17), 82-09-022 (Order 169), § 356-35-010, filed 4/12/82; 81-20-060 (Order 161), § 356-35-010, filed 10/5/81; Order 58, § 356-35-010, filed 9/10/73.]

#### Chapter 356-39 WAC

#### HUMAN RESOURCE DEVELOPMENT

WAC

356-39-100 Tuition reimbursement--Agency authority and responsibility.

**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 pre-pay 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 nine quarter credit hours, or six semester hours, or other equivalent credits during any one academic quarter or semester.

(5) Absent an agreement to the contrary, when an employee moves to another agency prior to completion of an approved course, the approving agency shall retain the obligation for reimbursement if the course is satisfactorily completed. When payment is not made by the approving agency the gaining agency may, at its option, reimburse the employee. [Statutory Authority: RCW 41.06.150(17), 82-01-038 (Order 164), § 356-39-100, filed 12/15/81; 78-02-049 (Order 116), § 356-39-100, filed 1/19/78.]

#### Chapter 356-42 WAC LABOR RELATIONS

##### WAC

356-42-055	Arbitration—Grievance—Procedure.
356-42-080	Unfair labor practice.
356-42-082	Filing unfair labor practice charge.
356-42-083	Investigation of and disposition of unfair labor practice charges.
356-42-084	Answer to complaint—Unfair labor practice.
356-42-085	Amendment of complaint or answer—Unfair labor practice.
356-42-086	Hearing—Unfair labor practice.
356-42-088	Hearings and investigation—Unfair labor practice.
356-42-089	Enforcement—Unfair labor practice.
356-42-090	Impasse mediation.
356-42-100	Impasse arbitration.

**WAC 356-42-055 Arbitration--Grievance--Procedure.** Whenever arbitration of a grievance is requested of the personnel board pursuant to an agreement as authorized by WAC 356-42-050(2), the procedure set forth below shall apply:

(1) The request for arbitration shall be in the form of a complaint. It shall be filed on a form supplied by the personnel board, or in a writing containing the same information as required on the form. The request shall state the following:

(a) The name, address and telephone number of the party filing the request, and the name, address and telephone number of any principal representative.

(b) The name, address and telephone number of the opposing party, and, if known, the opposing party's principal representative.

(c) Clear and concise statements of the facts upon which the grievance is based, including times, dates, places and participants in occurrences.

(d) A listing of the applicable sections of the collective bargaining agreement, rules, policies, etc., upon which

the grievance is based and which are claimed to be violated. A copy of the collective bargaining agreement or of the pertinent sections of the agreement shall be attached to the request for arbitration.

(e) A statement of the relief sought.

(f) The signature and, if any, the title of the person filing the request for arbitration.

(2) A copy of the original grievance and copies of subsequent written statements of the grievance and the agency's written responses dated prior to submission of the grievance to mediation shall be attached to the request for arbitration.

(3) The personnel board's hearings coordinator shall review the request for arbitration to determine compliance with subsection (1) of this section. If the personnel board's hearings coordinator determines the request to be incomplete, he or she shall notify the person filing the request of the portions of the request which need to be supplemented or changed to comply with subsection (1) of this section. When the personnel board's hearings coordinator is satisfied that the request substantially complies with subsection (1) of this section he or she shall mail, or otherwise cause to be served, the request on the opposing party(ies). Any refusal by the personnel board's hearings coordinator to serve the request for arbitration on the opposing party is reviewable by the personnel board upon motion of the requesting party.

(4) Within twenty days of service of the request for arbitration, or within such longer period as the personnel board may allow, the party receiving the same shall answer the allegations of fact and contentions set forth in the request by admitting, denying, or setting forth doubt as to the truth of or falsity of any particular alleged fact or contention. The answer shall be filed with the personnel board and served on the grievant, or, if represented, on the grievant's representative, all within the time provided. Failure to answer an allegation of fact within the time required, or admission of a fact in the answer, shall constitute a waiver by the answering party of the right to contest the fact in the arbitration proceeding, unless for good cause shown, the personnel board provides otherwise. At the discretion of the personnel board for good cause shown, the request or the answer may be amended at any time prior to the end of the arbitration hearing.

(5) After receipt of the answer, or if no answer is timely filed, the personnel board's hearings coordinator shall set the matter for arbitration. At least twenty days notice shall be given of the time and date of the arbitration unless both parties agree to a shorter time.

(6) The grievant shall have the burden of proof and shall go forward with the evidence. [Statutory Authority: RCW 41.06.150(17), 82-22-020 (Order 177), § 356-42-055, filed 10/26/82.]

**WAC 356-42-080 Unfair labor practice.** The personnel board, or its designee whose final decision is appealable to the personnel board, is empowered and directed to prevent any unfair labor practice and to issue

appropriate remedial orders. This power shall not be affected or impaired by any means of adjustment, mediation or conciliation in labor disputes that have been or may hereafter be established by law. [Statutory Authority: RCW 41.06.150(17). 82-22-020 (Order 177), § 356-42-080, filed 10/26/82; Order 36, § 356-42-080, filed 7/1/71, effective 8/1/71. Formerly WAC 356-32-053.]

**WAC 356-42-082 Filing unfair labor practice charge.** (1) A charge or charges that any employing agency or employee organization has committed an unfair labor practice, as defined in these rules and RCW 41.56.150, may be filed with the personnel board by any employee, group of employees, employee organization, employing agency, or their authorized agents.

(2) Unfair labor practice charges shall be filed with the director of personnel, as secretary to the personnel board, at the principal office of the department of personnel.

(3) Unfair labor practice charges shall be in writing in the form of a complaint of unfair labor practices, or on a form provided by the personnel board or its designee. The charge shall contain the following:

(a) The name, address and telephone number of the charging party, and the name, address and telephone number of the party's principal representative, if any.

(b) The name, address and telephone number of the party against whom the charge is being filed, and, if known, the principal representative of the charged party.

(c) Clear and concise statements of the facts constituting the alleged unfair labor practice(s), including times, dates, places and participants in occurrences.

(d) A listing of the specific unfair labor practice(s) alleged to have been committed including reference to the applicable subsection(s) of the statute and regulation defining unfair labor practices. If the charging party is not represented, this subsection may be left blank pending the investigation of the charge.

(e) A statement of the relief sought by the charging party.

(f) The signature and, if any, the title of the person filing the charge. [Statutory Authority: RCW 41.06.150(17). 82-22-020 (Order 177), § 356-42-082, filed 10/26/82.]

**WAC 356-42-083 Investigation of and disposition of unfair labor practice charges.** (1) Upon receipt of a properly completed unfair labor practice charge, the director of personnel's designee shall conduct an investigation to determine whether or not the charge(s) is frivolous or substantially without merit. If it is found that the charge(s) is not frivolous or is not without substantial merit, a complaint shall be issued. If the charge(s) is found to be frivolous or substantially without merit, the charge(s) shall be dismissed. Dismissal of the charge is appealable to the personnel board.

(2) If a charge does not contain all of the information required by WAC 356-42-082(3), the director of personnel or designee shall return the charge to the charging party for inclusion of the required information. If a

complaint is issued, it shall be in the same form as the charge.

(3) The director of personnel or designee shall mail, or otherwise cause to be served, the complaint to the charged party. [Statutory Authority: RCW 41.06.150(17). 82-22-020 (Order 177), § 356-42-083, filed 10/26/82.]

**WAC 356-42-084 Answer to complaint--Unfair labor practice.** (1) The charged party shall have the right to file its answer to the unfair labor practice complaint with the personnel board within five days of service of the complaint, exclusive of Saturdays, Sundays, and holidays. After the expiration of such time period, the charged party shall no longer have the right to file an answer and may do so only if the personnel board, for good cause shown, permits an answer to be filed. The charged party shall serve its answer on the charging party when it files its answer with the personnel board.

(2) The answer shall specifically admit, deny or explain each of the facts alleged in the complaint. If the charged party is without knowledge sufficient to form a belief as to the truth or falsity of any specific allegation, that fact shall be so stated and shall operate as a denial of that allegation. Failure to answer all or any part of the complaint within the time required shall, except for good cause shown, be deemed an admission of such allegation(s) not answered.

(3) Facts admitted in the answer, either by specific admission or failure to answer as required, except for good cause shown, shall be considered true for purposes of the remainder of the unfair labor practice proceeding, and shall constitute a waiver by the charged party of a hearing as to the facts so admitted. [Statutory Authority: RCW 41.06.150(17). 82-22-020 (Order 177), § 356-42-084, filed 10/26/82.]

**WAC 356-42-085 Amendment of complaint or answer--Unfair labor practice.** The personnel board may allow a complaint or answer to be amended at any time before the close of the hearing, upon motion of the party concerned, for good cause shown and upon such terms as the personnel board may deem appropriate under the circumstances. Timeliness in making the motion shall be a factor in determining whether it will be granted. [Statutory Authority: RCW 41.06.150(17). 82-22-020 (Order 177), § 356-42-085, filed 10/26/82.]

**WAC 356-42-086 Hearing--Unfair labor practice.** (1) After receipt of the answer of the charged party, the personnel board, or its designee, shall set the matter for hearing. The parties shall each be given at least twenty days notice of the hearing, unless they agree to waive such notice.

(2) The charging party shall prosecute the complaint and shall have the burden of proof.

(3) The hearing shall be limited to the issues and questions of fact raised by the complaint and answer of the parties.

(4) The technical rules of evidence prevailing in the courts need not be applied by the personnel board except



for the rules of privilege. [Statutory Authority: RCW 41.06.150(17). 82-22-020 (Order 177), § 356-42-086, filed 10/26/82.]

**WAC 356-42-088 Hearings and investigation--Unfair labor practice.** For the purpose of all hearings and investigations, which, in the opinion of the personnel board or its designee, are necessary and proper for the exercise of the powers vested in it by chapter 41.56 RCW, the personnel board or its designee shall, at all reasonable times, have access to, for the purposes of examination, and the right to examine, copy or photograph any evidence, including payrolls or lists of employees, of any person being investigated or proceeded against that relates to any matter under investigation or in question. The personnel board or its designee shall have power to issue subpoenas requiring the attendance and testimony of witnesses and the production of any evidence that relates to any matter under investigation or in question before the personnel board or its designee. The personnel board or its designee may administer oaths and affirmations, examine witnesses, and receive evidence. [Statutory Authority: RCW 41.06.150(17). 82-22-020 (Order 177), § 356-42-088, filed 10/26/82.]

**WAC 356-42-089 Enforcement--Unfair labor practice.** The personnel board or any party to the proceedings, at least thirty days after the personnel board has entered its findings of fact, conclusions of law and order, shall have power to petition the superior court for enforcement of its order and for appropriate temporary relief or restraining order, all as provided in RCW 41.56.190. [Statutory Authority: RCW 41.06.150(17). 82-22-020 (Order 177), § 356-42-089, filed 10/26/82.]

**WAC 356-42-090 Impasse mediation.** If agreement cannot be reached within a reasonable time in collective negotiation between the appointing authority or designee and the certified exclusive representative of the employees in the bargaining unit, either party may submit the issues in dispute to the director of personnel or designee, who shall confer with both parties in an effort to resolve the dispute. [Statutory Authority: RCW 41.06.150(17). 82-22-020 (Order 177), § 356-42-090, filed 10/26/82; Order 36, § 356-42-090, filed 7/1/71, effective 8/1/71. Formerly WAC 356-32-060.]

**WAC 356-42-100 Impasse arbitration.** If the director of personnel is unable to bring the parties to agreement through mediation, the appointing authority or designee or the certified exclusive representative may submit the dispute to the personnel board. As soon as practicable after submission of the dispute to arbitration each party shall file with the personnel board a summary of:

- (1) The matters in dispute;
- (2) The position of the party on the matters in dispute; and
- (3) Desired contract language.

The personnel board shall then schedule and hold a hearing. The decision of the personnel board shall be final and binding. [Statutory Authority: RCW 41.06.150(17). 82-22-020 (Order 177), § 356-42-100, filed 10/26/82; Order 36, § 356-42-100, filed 7/1/71, effective 8/1/71. Formerly WAC 356-32-070.]

## Chapter 356-46 WAC MISCELLANEOUS

### WAC

356-46-010	Political activity--Regulations.
356-46-060	Agencies--Personnel records.
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 Office of Personnel Management 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 41.06.150. 83-01-115 (Order 179), § 356-46-010, filed 12/22/82. 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 356-46-060 Agencies--Personnel records. (1)

Each agency shall maintain a record of each employee showing the name, title, position held, organizational assignment, salary, changes of employment status, attendance, leaves, and such other information as may be necessary for the administration of regulations. Personnel records shall be open to the inspection of the personnel board and shall accompany the employee throughout his/her service career.

(2) Agencies shall publish policies pertaining to the retention and confidentiality of personnel records which are consistent with the following requirements:

(a) Agencies shall designate the official depository and custodian of personnel records.

(b) Agencies shall ensure that employees have knowledge of all job performance information inserted into the personnel record pertaining to the employee.

(c) Employees and/or their representatives may review the employee's personnel records, subject to policies of the employing agency.

(d) Employees or their representatives contesting allegedly erroneous, prejudicial, or otherwise adverse information in the employee's personnel records may insert rebuttal or refuting documentation into their personnel records.

(e) Information in the personnel records relating to employee misconduct shall be destroyed in accordance with policies established in chapter 40.14 RCW in situations where the employee is exonerated or where the information is found to be false. The agency's record retention plan shall provide for the prompt destruction of this information.

(f) Information relating to employee misconduct committed in the performance of off-duty activities shall be placed in the personnel records and retained by the agency in accordance with policies established in chapter 40.14 RCW, only where said information has a reasonable bearing on the employee's job performance. Employees may request that such information be removed from their personnel record at the conclusion of the retention period. The information may be retained by the agency if it has a reasonable bearing on the efficient and effective management of the agency.

(g) Information relating to employee misconduct that is committed in the performance of state business shall be maintained by the agency for a minimum of six years or in accordance with policies established in chapter 40.14 RCW. Employees may request that such information be removed from their personnel record at the conclusion of the retention period. The information may be retained by the agency if it has a reasonable bearing on the efficient and effective management of the agency.

(h) Notwithstanding paragraphs (e), (f) and (g) of this section, agencies may retain information relating to employee misconduct or alleged misconduct if the employee requests that the information be retained or if agency management reasonably expects that the information will be needed in a pending or prospective legal action.

(3) The agency shall submit its policy relating to the retention and confidentiality of personnel records to the director of personnel for approval and filing. [Statutory Authority: RCW 41.06.150(17). 82-22-020 (Order 177), § 356-46-060, filed 10/26/82; 80-06-033 (Order 144), § 356-46-060, filed 5/9/80; Order 100, § 356-46-060, filed 3/30/77; Order 36, § 356-46-060, filed 7/1/71, effective 8/1/71. Formerly WAC 356-32-210, 356-32-220.]

**WAC 356-46-130 State housing committee—Responsibilities.** (1) To assist the personnel 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 of personnel 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

(viii) Department of corrections, and

(ix) 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 personnel 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 personnel 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 personnel 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). 81-20-060 (Order 161), § 356-46-130, filed 10/5/81; 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.]

#### Chapter 356-47 WAC CAREER EXECUTIVE PROGRAM

WAC

356-47-010 Career executive program—Purpose.

356-47-020 Career executive program—Application of rules.  
 356-47-030 Career executive program—General provisions.  
 356-47-040 Career executive program—Position nomination—  
 Approval—Procedures.  
 356-47-050 Career executive program—Nomination of position  
 and incumbent.  
 356-47-051 Career executive program—Recruitment—  
 Procedures.  
 356-47-052 Career executive program—Appointments—Candi-  
 date list—Procedures—Probationary period.  
 356-47-060 Career executive program—Position removal—In-  
 cumbent removal—Return rights—Procedures.  
 356-47-070 Career executive program—Agreement of  
 participation.  
 356-47-080 Career executive program—Performance appraisal—  
 Performance recognition.  
 356-47-090 Career executive program—Development and  
 training.  
 356-47-100 Career executive program—Classification—  
 Allocation.  
 356-47-110 Career executive program—Inter-agency transfers—  
 Intra-agency transfers.  
 356-47-120 Career executive program—Appeals.

**WAC 356-47-010 Career executive program—Purpose.** The purpose of the career executive program is to recognize the profession of management and to recognize excellence in managerial skills in order to identify, attract and retain highly qualified executive candidates, to provide outstanding employees a broad opportunity to career development, and to provide for the mobility of such employees among agencies. [Statutory Authority: RCW 41.06.150(17). 81-20-068 (Order 162), § 356-47-010, filed 10/6/81.]

**WAC 356-47-020 Career executive program—Application of rules.** Insofar as they do not conflict with the provisions of chapter 356-47 WAC, the remainder of the merit system rules shall apply. If there is an apparent conflict between chapter 356-47 WAC and the remainder of the merit system rules, the provisions of chapter 356-47 WAC shall apply. [Statutory Authority: RCW 41.06.150(17). 81-20-068 (Order 162), § 356-47-020, filed 10/6/81.]

**WAC 356-47-030 Career executive program—General provisions.** No more than one percent of employees covered by chapter 41.06 RCW, the state civil service law, may be placed in the career executive program at one time. Employees shall not be placed in positions in the career executive program without their prior written agreement. [Statutory Authority: RCW 41.06.150(17). 81-20-068 (Order 162), § 356-47-030, filed 10/6/81.]

**WAC 356-47-040 Career executive program—Position nomination—Approval—Procedures.** (1) The personnel board shall approve appropriate positions for inclusion in the career executive program. Only positions assigned management responsibility will be placed in the program. Such positions are usually assigned at range 47 (October 1980 schedule) or above and equivalent ranges following that date.

(2) Agency directors may nominate classified and exempt positions meeting the requirements of paragraph (1) and WAC 356-47-030 for inclusion in the program.

Position nominations shall be filed with the director of personnel, or designee, in accordance with procedures published by the department of personnel. Nominations shall be published on the 20-day notice for consideration at regular personnel board meetings. The 20-day notice shall include the following information:

- (a) Requesting agency
- (b) Class title and number of the position proposed for inclusion
- (c) Description of the major duties and responsibilities of the position [Statutory Authority: RCW 41.06.150(17). 81-20-068 (Order 162), § 356-47-040, filed 10/6/81.]

**WAC 356-47-050 Career executive program—Nomination of position and incumbent.** A permanent employee of a classified position that is nominated for inclusion in the career executive program shall automatically move with the position into the program when the position is approved by the personnel board. [Statutory Authority: RCW 41.06.150(17). 81-20-068 (Order 162), § 356-47-050, filed 10/6/81.]

**WAC 356-47-051 Career executive program—Recruitment—Procedures.** (1) Recruitment shall be conducted to fill vacant positions in the career executive program if the agency director intends to consider persons who are not permanent state employees, unless those persons are already on the candidate list described in WAC 356-47-052.

(2) When filling vacant positions, if the agency director wishes to limit consideration to permanent state employees, recruitment shall be optional. The agency director will decide whether recruitment shall be conducted.

(3) The recruitment plan for any individual vacancy or group of vacancies shall be developed by the department of personnel in consultation with the appointing agency.

(4) Candidate nominations shall be submitted to the director of personnel, or designee. Nominations may be submitted by either the agency director or the nominees if recruitment for a vacancy is conducted. If recruitment is not conducted, nominations may be submitted only by the appointing agency director. [Statutory Authority: RCW 41.06.150(17). 81-20-068 (Order 162), § 356-47-051, filed 10/6/81.]

**WAC 356-47-052 Career executive program—Appointments—Candidate list—Procedures—Probationary period.** (1) Appointment of individuals in the career executive program shall be the responsibility of the agency director. Appointments shall be made with due regard to agency affirmative action plans. Appointments may be made without regard to established minimum qualifications.

(2) The registers and procedures described in chapter 356-26 WAC shall not apply to the career executive program.

(3) Except as provided in WAC 356-47-050, all appointments shall be made from a list of candidates

maintained by the department of personnel. The candidate list shall be composed of:

(a) All candidates who have successfully undergone an evaluation of managerial qualifications developed and administered by the department of personnel;

(b) Permanent employees in career executive positions who indicate a willingness to be considered for other career executive positions; and

(c) All employees who were separated from the career executive program for reasons other than cause who wish to be considered for available career executive positions.

(4) The agency director may consider the names of all candidates when filling vacant positions in the program.

(5) Appointing agencies shall notify the director of personnel, or designee, of appointments to career executive positions within 15 days after the appointment. Such notification shall include:

(a) Appointing agency

(b) Effective date of appointment

(c) Starting salary

(d) Class title of the position

(e) Position number

(6) Positions in the career executive program may be filled by more than one incumbent only for the purpose of orienting the new appointee to the responsibilities of the position. Such occupancy shall not exceed a period of 30 days.

(7) Employees without permanent status who receive appointments to classified career executive positions shall serve a probationary period of eighteen months. [Statutory Authority: RCW 41.06.150(17). 81-20-068 (Order 162), § 356-47-052, filed 10/6/81.]

**WAC 356-47-060 Career executive program--Position removal--Incumbent removal--Return rights--Procedures.** (1) Agencies may remove positions from the career executive program upon written notice from the agency director to the director of personnel, or designee.

(2) The personnel board may remove a position from the career executive program if the nature or use of the position is found to be inconsistent with the purposes of the program.

(3) When a classified position is removed from the program, the agency director may allow the incumbent to remain in the position: *Provided*, That the incumbent has permanent status.

(4) A career executive employee may voluntarily leave the program at any time.

(5) The agency director may impose a limit on the duration of an employee's participation in the career executive program: *Provided*, That the employee is informed in writing of that limitation upon entry into a position in the program. The agency director may remove the employee from the program at the end of the predetermined period. The decision of the agency director is final.

(6) An agency director may remove an incumbent from a position in the career executive program for cause; or may remove an incumbent from the program if

the position is abolished for reasons of lack of funds, good faith reorganization, or lack of work. The decision of the agency director is final.

(7) Agencies shall notify the director of personnel, or designee, of career executive position vacancies within 30 days after the position is vacated.

(8)(a) Any permanent classified state employee, upon entering a position in the career executive program, shall be entitled subsequently to return to any class or position previously held with permanent status, or, if such position is not available, return to a position similar in nature and salary to the position previously held. The priority of the return rights shall be as follows:

(i) The employee returns within the employing agency to the same or similar position and class held immediately prior to entering the program; or, if unavailable,

(ii) The employee returns to the same or similar position and class held immediately prior to entering the program within the agency that he or she was then employed; or, if unavailable,

(iii) If the employee entered the program with his or her position, then the position must be removed from the program with the employee; or, if inapplicable,

(iv) The employee returns to an existing lower position that is most similar in nature and salary to the position held immediately prior to entering the program.

(b) For purposes of paragraph (8)(a) above, a position is unavailable if:

(i) The position has been abolished;

(ii) The duties for the position have been substantially changed and the position is allocated to a different class; or,

(iii) The present incumbent of the position has greater seniority than the returning employee.

(9) Employees have no bumping rights into or within the career executive program.

(10) Employees who promote into career executive positions and who are subsequently removed from the positions shall not have their names placed in the reduction-in-force register for the higher level class. [Statutory Authority: RCW 41.06.150(17). 81-20-068 (Order 162), § 356-47-060, filed 10/6/81.]

**WAC 356-47-070 Career executive program--Agreement of participation.** (1) Upon appointment in the career executive program, the employee and the appointing agency shall enter into an agreement specifying the conditions of participation in the program. Such agreement shall include the following items:

(a) A specific description of that for which the employee is accountable, including objectives to be achieved during the annual evaluation period prescribed by WAC 356-47-080 (1) and (2).

(b) The employee development and training plan prescribed in WAC 356-47-090.

(c) A statement of whatever preestablished limits on participant duration in the program that are imposed by the agency, as allowed in WAC 356-47-060(4).

(2) A copy of the agreement of participation must be filed with the director of personnel, or designee, within

45 calendar days after the effective date of the employee's inclusion in the career executive program. [Statutory Authority: RCW 41.06.150(17). 81-20-068 (Order 162), § 356-47-070, filed 10/6/81.]

**WAC 356-47-080 Career executive program--Performance appraisal--Performance recognition.** (1) Appointing authorities shall evaluate the performance of each career executive employee on the basis of results achieved and the manner in which they were achieved. Performance evaluations shall be conducted at least an annual basis.

(2) The performance appraisal process shall be conducted in accordance with procedures and forms developed by the department of personnel.

(3) Agencies and the director of personnel, or designee, shall develop specific nonmonetary means of recognizing superior performance.

(4) The director of personnel shall monitor the performance appraisal and reward process for timeliness, effectiveness and standardization. [Statutory Authority: RCW 41.06.150(17). 81-20-068 (Order 162), § 356-47-080, filed 10/6/81.]

**WAC 356-47-090 Career executive program--Development and training.** (1) Career executive employees shall be afforded development and training opportunities specifically designed to develop exceptional managerial knowledge, skills, and abilities.

(2) Each agency shall prepare a development and training plan for a 12-month period for each of its career executive employees. Each plan shall:

(a) Be based on an assessment of the individual's developmental needs insofar as they relate to managerial responsibilities.

(b) Wherever possible, include a plan for short-term mobility assignments within the agency, within other agencies, within other governmental entities, and/or in private organizations.

(c) Contain an evaluation process to determine the effectiveness of developmental activities.

(d) Be filed with the director of personnel, or designee, in accordance with WAC 356-47-070(2) and, subsequently, within 30 days after each annual evaluation period.

(3) Upon request, the department of personnel shall provide agencies with guidelines and assistance in the preparation of development and training plans for career executive employees. [Statutory Authority: RCW 41.06.150(17). 81-20-068 (Order 162), § 356-47-090, filed 10/6/81.]

**WAC 356-47-100 Career executive program--Classification--Allocation.** (1) All classified positions in the career executive program shall be allocated to board-approved classes.

(2) Agencies with approved positions in the career executive program may be authorized by the director of personnel, or designee, to reallocate such positions to appropriate classes when and if changes in duties or responsibilities occur: *Provided*, That a new classification

questionnaire shall be provided to the director of personnel, or designee, within 30 calendar days after each decentralized reallocation. [Statutory Authority: RCW 41.06.150(17). 81-20-068 (Order 162), § 356-47-100, filed 10/6/81.]

**WAC 356-47-110 Career executive program--Inter-agency transfers--Intra-agency transfers.** (1) Incumbents in the career executive program, with their concurrence, may be transferred between agencies at any time with the agreement of the two agency directors. Such transfers shall be reported to the director of personnel, or designee, not later than 30 days after the transfer.

(2) Positions and/or incumbents in the career executive program may be transferred within an agency at any time: *Provided*, That such moves are within a reasonable commuting distance for the employee. Such transfers shall be reported to the director of personnel, or designee, within 30 days after the transfer. [Statutory Authority: RCW 41.06.150(17). 81-20-068 (Order 162), § 356-47-110, filed 10/6/81.]

**WAC 356-47-120 Career executive program--Appeals.** The provisions of WAC 356-34-090 shall not apply to the career executive program. [Statutory Authority: RCW 41.06.150(17). 81-20-068 (Order 162), § 356-47-120, filed 10/6/81.]

**Title 358 WAC  
PERSONNEL APPEALS BOARD**

**Chapters**

- 358-01 General provisions.
- 358-10 Definitions.
- 358-20 Appeals--Filings--Declaratory rulings.
- 358-30 Hearings--Procedures.
- 358-40 Public disclosure.

**Chapter 358-01 WAC  
GENERAL PROVISIONS**

**WAC**

- 358-01-010 Declaration of purpose.
- 358-01-020 Personnel appeals board--Composition--Appointment.
- 358-01-030 Personnel appeals board--Powers--Duties.
- 358-01-040 Personnel appeals board--Procedure--Quorum.
- 358-01-050 Executive secretary--Appointment--Removal.
- 358-01-060 Executive secretary--Powers--Duties.

**WAC 358-01-010 Declaration of purpose.** The purpose of the personnel appeals board is to provide a system of adjudication of appeals for eligible state employees. [Statutory Authority: Chapter 41.64 RCW. 82-01-053 (Order 81-4), § 358-01-010, filed 12/16/81.]

**WAC 358-01-020 Personnel appeals board--Composition--Appointment.** (1) The personnel appeals board