

(2) Sponsoring organizations will submit requests for payment on Invoice Voucher A 19-x form and to contain information specified by the executive coordinator to include:

- (a) Actual expenditures for request period;
- (b) Expenditures listed by the following categories: Personnel, travel, facilities, advertising, supplies/materials, communications, and other.

(3) Upon approval of the request for payment, and receipt of the quarterly report for the most recent completed quarter under the contract, the executive coordinator will authorize disbursement of the funds.

(4) Requests for payments must be received in the council office at least two weeks prior to the requested payment date. [Statutory Authority: Chapter 28B.04 RCW, as amended. 85-10-022 (Order 1/85, Resolution No. 85-44), § 250-44-120, filed 4/23/85; 82-15-018 (Order 2-82, Resolution No. 82-54), § 250-44-120, filed 7/12/82. Statutory Authority: RCW 28B.10.806. 79-09-042 (Order 7-79, Resolution 80-4), § 250-44-120, filed 8/17/79.]

**WAC 250-44-130 Calendar and closing dates for letters of intent, applications and awards.** (1) Sponsoring organizations wishing to apply for contracts to continue operation of multipurpose service centers, shall submit to the executive coordinator a letter of intent, accompanied by appropriate documentation of nonprofit status in the case of nonpublic applicants, by Wednesday, April 10, 1985 as specified in the contract application guidelines.

(2) The executive coordinator or his designee will screen the letters of intent for multipurpose service centers, prepare a list of all eligible sponsoring organizations which filed letters of intent and distribute the list to all organizations on the list, by Wednesday, April 17, 1985 or seven days from the filing date for letters of intent as specified in the contract application guidelines.

(3) Applications for contracts for multipurpose service centers may be submitted by sponsoring organizations on the list pursuant to subsection (2) of this section. The closing dates for such applications by Monday, May 13, 1985 as specified in the contract application guidelines.

(4) Sponsoring organizations wishing to apply for contracts to operate programs of service and a state-wide outreach and information services program shall submit to the executive coordinator a letter of intent, accompanied by appropriate documentation of nonprofit status in the case of nonpublic applicants, by Wednesday, April 10, 1985.

(5) The executive coordinator or his designee will screen the letters of intent for programs of service and a state-wide outreach and information services program, prepare a list of all eligible sponsoring organizations which filed letters of intent, and distribute the list to all organizations on the list, by Wednesday, April 17, 1985, or seven days from the filing date for letters of intent as specified in the contract application guidelines.

(6) Applications for contracts for programs of service and a state-wide outreach and information services program may be submitted by sponsoring organizations on

the list pursuant to subsection (5) of this section by Monday, May 13, 1985 as specified in the contract application guidelines.

(7) The executive committee of the council will approve awards of contracts, provided qualifying applications were received by the closing dates specified in this section and in the guidelines.

(8) In the event that available funds for contracts under the act are not fully utilized after approval of contracts the executive coordinator may either establish a new calendar for further consideration of applications and award of contracts or award supplemental funds to existing centers and programs by amendment of contracts in effect. [Statutory Authority: Chapter 28B.04 RCW, as amended. 85-10-022 (Order 1/85, Resolution No. 85-44), § 250-44-130, filed 4/23/85; 84-14-084 (Order 2/84, Resolution No. 84-76), § 250-44-130, filed 7/3/84; 83-14-041 (Order 3/83, Resolution No. 83-66), § 250-44-130, filed 6/30/83; 82-23-017 (Order 11/82, Resolution No. 83-21), § 250-44-130, filed 11/8/82; 82-15-018 (Order 2-82, Resolution No. 82-54), § 250-44-130, filed 7/12/82. Statutory Authority: RCW 28B.10.806. 79-09-042 (Order 7-79, Resolution No. 80-4), § 250-44-130, filed 8/17/79.]

## Title 251 WAC HIGHER EDUCATION PERSONNEL BOARD

### Chapters

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### Chapter 251-04 WAC GENERAL PROVISIONS

#### WAC

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

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

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

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

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

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

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

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

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

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

"ANNUAL PERFORMANCE EVALUATION" – The official annual performance rating of an employee recorded on a form approved by the board.

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

"AVAILABILITY" – An estimate of the number of women, minorities, and handicapped persons who have the skills and abilities required for employment in a particular job group as determined from an analysis of relevant data.

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

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

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

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

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

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

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

"CORRECTIVE EMPLOYMENT PROGRAM" – A program designed to increase the employment of handicapped persons and of women and minorities who are underutilized in certain job groups because of present or past practices or other conditions which resulted in limited employment opportunities.

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

"CYCLIC YEAR POSITION" – A position scheduled to work less than twelve full months each year, due to known, recurring periods in the annual cycle when the position is not needed.

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

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

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

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

"ELIGIBLE" – An applicant for a position in the competitive service who has met the minimum qualifications for the class involved, has been admitted to and passed the examinations, and has met all requirements for eligibility as stated on the bulletin board posting; or an applicant for a position in the noncompetitive service who has met all requirements for eligibility as stated on the bulletin board posting.

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

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

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

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

"ESSENTIAL JOB ELEMENTS" – Knowledge, skills, and abilities which persons must possess in order to perform the duties of a class or a specific position in a class.

"EXAMINATIONS" – Any measures or assessments used in the process of identifying names for certification to vacancies in accordance with RCW 28B.16.100(2) and WAC 251-18-240. Examinations include examination content, administration, and evaluation.

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

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

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

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

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

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

"FINAL EXAMINATION SCORE" – An applicant's final passing score on an examination, plus any veterans preference or other applicable credits added in accordance with WAC 251-18-130, 251-18-180 (6) and/or (8)(b).

"FRINGE BENEFITS" – As used in the conduct of salary surveys, the term shall include but not be limited to compensation for leave time, including vacation, civil,

and personal leave; employer retirement contributions; health insurance payments, including life, accident, and health insurance, workmen's compensation, and sick leave; and stock options, bonuses, and purchase discounts where appropriate.

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

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

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

"HANDICAPPED PERSON" – Any person 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.

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

"INSTITUTIONAL EXAMINATION" – An examination developed to meet unique requirements of a single institution.

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

"JOB ANALYSIS" – Any systematic procedure for gathering, documenting and analyzing information about the job content and requirements for a class or position in a class.

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

"JOB GROUP" – For affirmative action goal-setting purposes, a group of jobs having similar content, wage rates and opportunities. An EEO job category may consist of one or more job groups.

"LATERAL MOVEMENT" – Appointment of an employee to a position in another class which has the same salary range maximum as the employee's current class.

"LAYOFF" – Any of the following management initiated actions caused by lack of funds or lack of work:

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

(4) Reduction in the number of work hours.

"LAYOFF SENIORITY" – The total amount of service an employee earns as a result of unbroken classified employment and statutory allowance.

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

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

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

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

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

"PERIODIC INCREMENT DATE" – ("P.I.D.") – The date upon which an employee is scheduled to move to a higher salary step within the range for his/her current class.

"PERMANENT EMPLOYEE" – An employee who has successfully completed a probationary period at the institution within the current period of employment or trial service period resulting from promotion, transfer, lateral movement, or voluntary demotion from another institution, related board or state agency.

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

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

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

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

"PROBATIONARY PERIOD" – The initial six-month period of employment in a class following appointment from an eligible list of a nonpermanent employee. However, upon prior approval by the board, the probationary period for selected classes may be established for a period in excess of six months but not to exceed twelve months.

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

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

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

(2) Must consistently exercise discretion and judgment; and

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

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

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

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

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

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

"RATING FACTOR" – An element, duty, responsibility, skill, ability, or other specific aspect of performance which is rated as part of the annual performance evaluation.

"RATING GUIDE" – A written document which outlines the way in which ratings are assigned to applicants' experience, training, or other qualifications on each job element in an examination. It specifies the range of ratings to be given for each job element and gives examples of the experience, training, or other qualifications that will be used to assign ratings.

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

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

"RELATED BOARDS" – The state board for community college education, the council for postsecondary education, the higher education personnel board, and such other boards, councils and commissions related to higher

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

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

"RESIGNATION" – A voluntary termination of employment.

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

"SPECIFIC POSITION ELEMENTS" – Knowledges, skills, and abilities which a job analysis indicates to be significant for performing the duties of a specific position in a class but which are not significant for the class in general.

"SPECIFIC POSITION REQUIREMENTS" – Specific position elements which are essential job elements.

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

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

"SYSTEM EXAMINATION" – An examination developed to meet the requirements of all institutions in the HEPB system and approved by the director for use by all such institutions.

"TEMPORARY APPOINTMENT" –

(1) Work performed in the absence of an employee on leave for:

(a) Less than ninety consecutive calendar days (WAC 251-18-350(4));

(b) Ninety or more consecutive calendar days (WAC 251-18-350(2)); or

(2) Formal assignment of the duties and responsibilities of a higher level class for a period of less than ninety consecutive calendar days; or

(3) Performance of extra work required at a work load peak, a special project, or a cyclic work load which does not exceed one hundred seventy-nine consecutive calendar days.

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

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

"TRIAL SERVICE" – The initial period of employment following promotion, transfer, demotion, or lateral movement into a class in which the employee has not held permanent status at the institution or related board, beginning with the effective date of the change and continuing for six months, unless interrupted as provided in these rules or extended as provided in WAC 251-18-330(6).

"UNDERUTILIZATION" – Having fewer minorities, women, or handicapped persons in a particular job group than would reasonably be expected by their availability.

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

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

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

"WRITING" – Handwriting, typewriting, printing, photostating, photographing and every other means of recording any form of communication or representation including letters, words, pictures, sounds; or symbols or combination thereof and all papers, maps, magnetic or paper tapes, photographic films and prints, magnetic or punched cards, discs, drums and other documents. [Statutory Authority: RCW 28B.16.100. 85-20-049 (Order 136), § 251-04-020, filed 9/25/85; 85-16-038 (Order 134), § 251-04-020, filed 7/31/85, effective 9/1/85; 85-04-019 (Order 123), § 251-04-020, filed 1/30/85; 84-22-021 (Order 121), § 251-04-020, filed 10/31/84, effective 12/1/84; 84-16-067 (Order 119), § 251-04-020, filed 7/31/84; 84-10-058 (Order 116), § 251-04-020, filed 5/2/84; 84-06-035 (Order 112), § 251-04-020, filed 3/2/84; 84-02-042 (Order 110), § 251-04-020, filed 12/30/83, effective 2/1/84; 83-10-029 (Order 105), § 251-04-020, filed 4/29/83, effective 6/1/83; 83-07-056 (Order 104), § 251-04-020, filed 3/22/83, effective 4/25/83; 82-16-002 (Order 98), § 251-04-020, filed 7/22/82, effective 9/1/82; 82-04-069 (Order 93), § 251-04-020, filed 2/3/82; 81-24-019 (Order 92) § 251-04-020, filed 11/24/81, effective 1/1/82; 81-15-003 (Order 88), § 251-04-020, filed 7/2/81; 80-08-073 (Order 84), § 251-04-020, filed 7/2/80; 78-06-068 (Order 68), § 251-04-020, filed 5/25/78, effective 7/1/78; Order 63, § 251-04-020, filed 11/22/77; Order 61, § 251-04-020, filed 8/30/77, effective 10/1/77; Order 52, § 251-04-020, filed 2/26/76, effective 3/29/76; Order 51, § 251-04-020, filed 1/20/76; Order 46, § 251-04-020, filed 9/19/76;

Order 37, § 251-04-020, filed 10/15/74; Order 25, § 251-04-020, filed 7/17/73; Order 21, § 251-04-020, filed 5/24/73; Order 19, § 251-04-020, filed 12/20/72; Order 12, § 251-04-020, filed 5/23/72, effective 6/25/72; Order 8, § 251-04-020, filed 6/17/71, effective 7/19/71; Order 4, § 251-04-020, filed 2/19/71; Order 3, § 251-04-020, filed 1/15/71; Order 2, § 251-04-020, filed 3/12/70; Order 1, § 251-04-020, filed 9/15/69.]

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

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

(2) Students employed by the institution at which they are enrolled (or related board) and who either:

(a) Work five hundred sixteen hours or less in any six consecutive months, exclusive of hours worked in a temporary position(s) during the summer and other breaks in the academic year, provided such employment does not:

(i) Take the place of a classified employee laid off due to lack of funds or lack of work; or

(ii) Fill a position currently or formerly occupied by a classified employee during the current or prior calendar or fiscal year, whichever is longer;

(b) Provided further that the hour limitation shall not apply to student employees who were hired before July 20, 1984, with an understanding of working more than the stated number of hours monthly, and also with an understanding of such employment continuing for the duration of their education. However, this exception shall apply only to students who are continuously enrolled and shall not extend beyond September 1, 1988. Students covered by this exception shall be identified to the director;

(c) Are employed in a position directly related to their major field of study to provide training opportunity; or

(d) Are elected or appointed to a student body office or student organization position such as student officers or student news staff members.

(3) Students participating in a documented and approved programmed internship which consists of an academic component and work experience.

(4) Students employed through the state or federal work/study programs.

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

(6) Nonclassified employees filling positions identified in subsections (1)(a) and (3) of the definition of "temporary appointment" in WAC 251-04-020.

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

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

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

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

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

(12) Any classified employee having civil service status in a classified position who accepts an appointment in an exempt position shall have the right of reversion to the highest class of position previously held, 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 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 on July 10, 1982. Application for return to classified service must be made not later than thirty calendar days following the conclusion of the exempt appointment.

(13) When action is taken to convert an exempt position to classified status, the effect upon the incumbent of such position shall be as provided in WAC 251-18-420. [Statutory Authority: RCW 28B.16.100, 84-16-067 (Order 119), § 251-04-040, filed 7/31/84; 82-16-002 (Order 98), § 251-04-040, filed 7/22/82, effective 9/1/82; 82-04-069 (Order 93), § 251-04-040, filed 2/3/82; 78-10-090 (Order 70), § 251-04-040, filed 9/29/78, effective 11/1/78; Order 64, § 251-04-040, filed 12/23/77, effective 1/23/78; Order 63, § 251-04-040, filed 11/22/77, effective 12/22/77; Order 61, § 251-04-040, filed 8/30/77, effective 10/1/77; Order 10, § 251-04-040, filed 12/16/71; Order 4, § 251-04-

040, filed 2/19/71; Order 1, § 251-04-040, filed 9/15/69.]

**WAC 251-04-050 Higher education personnel board.** (1) The higher education personnel board is composed of three members appointed by the governor, subject to confirmation by the senate. Each odd-numbered year the governor shall appoint a member for a six-year term. Persons so appointed shall have clearly demonstrated an interest and belief in the merit principle, shall not hold any other employment with the state, shall not have been an officer of a political party for a period of one year immediately prior to such appointment, and shall not be or become a candidate for partisan elective public office during the term to which they are appointed.

(2) Each member of the board shall be paid one hundred dollars for each day in which he/she has actually attended a meeting of the board officially held or performs statutorily prescribed duties approved by the chairperson of the board. The members of the board may receive any number of daily payments for official meetings of the board actually attended. Members of the board shall also be reimbursed for necessary travel and other expenses incurred in the discharge of their official duties on the same basis as is provided for state officers and employees generally.

(3) At its first meeting following the appointment of all its members, and annually thereafter, the board shall elect a chairman and vice chairman from among its members to serve one year. The presence of at least two members of the board shall constitute a quorum to transact business. A written public record shall be kept by the board of all actions of the board.

(4) In the necessary conduct of its work, the board shall meet monthly unless there is no pending business requiring board action. Meetings shall be held on campuses of the various state institutions of higher education. Meetings may be called by the chairman of the board, or a majority of the members of the board. Hearings may be conducted by a hearing officer duly appointed by the board. An official notice of the calling of a hearing shall be filed with the director and all members of the board shall be notified.

(5) No release of material, or statement of findings shall be made except with the approval of a majority of the board.

(6) In the conduct of hearings or investigations, a member of the board, or the director, or the hearing officer appointed to conduct the hearing, may administer oaths.

(7) It shall be the duty of the board to promulgate rules and regulations providing for employee participation in the development and administration of personnel policies. To assure this right, personnel policies, rules, classification and pay plans, and amendments thereto, shall be acted on only after the board has given twenty calendar days' notice to, and considered proposals from employee representatives and institutions/related boards affected. In matters involving the various state community colleges, notice shall also be given to the state board

for community college education. Complete and current compilations of all rules and regulations of the board in printed, mimeographed, or multigraphed form shall be available from the board without charge.

(8) The higher education personnel board shall adopt rules, consistent with the purposes and provisions of this chapter and with the best standards of personnel administration, regarding the basis and procedures to be followed for the dismissal, suspension, or demotion of an employee, and appeals therefrom; certification of names for vacancies, including promotions, with the number of names equal to four more names than there are vacancies to be filled, such names representing applicants rated highest on eligibility lists; examination for all positions in the competitive and noncompetitive service; appointments; probationary periods of six to twelve months and rejections therein depending on the job requirements of the class; transfers; sick leaves and vacations; hours of work; layoffs when necessary and subsequent reemployment according to seniority; determination of appropriate bargaining units within any institution or related board; *Provided*, That in making such determination the board shall consider the duties, skills, and working conditions of the employees, the history of collective bargaining by the employees and their bargaining representatives, the extent of organization among the employees and the desires of the employees; certification and decertification of exclusive bargaining representatives; agreements between institutions or related boards and certified exclusive bargaining representatives providing for grievance procedures and collective negotiations on all personnel matters over which the institution/related board may lawfully exercise discretion; written agreements may contain provisions for payroll deductions of employee organization dues upon authorization by the employee member and for the cancellation of such payroll deduction by the filing of a proper prior notice by the employee with the appointing authority and the employee organization; *Provided*, That nothing contained herein permits or grants to any employee the right to strike or refuse to perform his/her official duties; adoption and revision of comprehensive classification plans for all positions in the classified service, based on investigation and analysis of the duties and responsibilities of each such position; allocation and reallocation of positions within the classification plans; adoption and revision of salary schedules and compensation plans as provided in chapter 251-08 WAC; training programs including in-service, promotional, and supervisory; increment increases within the series of steps for each pay grade; and veteran's preference as provided by existing statutes.

(9) After consultation with institution heads, employee organizations, and other interested parties, the board shall develop standardized employee performance evaluation procedures and forms which shall be used by institutions of higher education for the appraisal of employee job performance at least annually. These procedures shall include means whereby individual institutions may supplement the standardized evaluation process

with special performance factors peculiar to specific organizational needs. This evaluation procedure shall place primary emphasis on recording how well the employee has contributed to efficiency, effectiveness, and economy in fulfilling institution and job objectives. [Statutory Authority: Chapter 28B.16 RCW. 85-20-048 (Order 135), § 251-04-050, filed 9/25/85, effective 11/1/85. Statutory Authority: RCW 28B.16.100. 84-12-047 (Order 117), § 251-04-050, filed 6/1/84; 82-16-002 (Order 98), § 251-04-050, filed 7/22/82, effective 9/1/82; Order 61, § 251-04-050, filed 8/30/77, effective 10/1/77; Order 1, § 251-04-050, filed 9/15/69.]

**Chapter 251-08 WAC  
COMPENSATION**

WAC

- 251-08-090 Salary—Periodic increment.
- 251-08-091 Repealed.
- 251-08-100 Periodic increment date.

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

- 251-08-091 Periodic increment withheld—Management employees. [Statutory Authority: RCW 28B.16.100. 84-16-067 (Order 119), § 251-08-091, filed 7/31/84.] Repealed by 85-20-049 (Order 136), filed 9/25/85. Statutory Authority: RCW 28B.16.100.

**WAC 251-08-090 Salary--Periodic increment.** (1) Employees whose performance permits them to retain job status in the classified service shall receive periodic increments within the steps of the salary range. The salary of each employee shall be increased two steps on the periodic increment date and annually thereafter on the periodic increment date, not to exceed the maximum step of the range.

(2) When the periodic increment date falls on the same effective date as another salary action, the periodic increment shall be applied prior to, and in addition to, any other action resulting in a salary increase or decrease. [Statutory Authority: RCW 28B.16.100. 85-20-049 (Order 136), § 251-08-090, filed 9/25/85; 84-16-067 (Order 119), § 251-08-090, filed 7/31/84; Order 61, § 251-08-090, filed 8/30/77, effective 10/1/77; Order 18, § 251-08-090, filed 10/25/72, effective 7/1/73; Order 1, § 251-08-090, filed 9/15/69.]

**WAC 251-08-091 Repealed.** See Disposition Table at beginning of this chapter.

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

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

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

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

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

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

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

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

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

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

(d) When a leave of absence without pay exceeds ten working days in any calendar month, or exceeds ten consecutive working days, the date will be extended by one month, except as provided by WAC 251-22-180 and 251-18-381;

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

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

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

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

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

(5) The periodic increment date for incumbents of exempt positions which are converted to classified status shall be established as provided in WAC 251-18-420. [Statutory Authority: RCW 28B.16.100. 85-16-038 (Order 134), § 251-08-100, filed 7/31/85, effective 9/1/85; 83-10-029 (Order 105), § 251-08-100, filed 4/29/83, effective 6/1/83; 78-06-068 (Order 68), § 251-08-100, filed 5/25/78, effective 7/1/78; Order 64, § 251-08-100, filed 12/23/77; Order 61, § 251-08-100, filed 8/30/77, effective 10/1/77; Order 29, § 251-08-100, filed 1/22/74; Order 21, § 251-08-100, filed



5/24/73; Order 18, § 251-08-100, filed 10/25/72, effective 7/1/73.]

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

WAC  
251-09-040 Shift differential.

**WAC 251-09-040 Shift differential.** (1) Shift differential for employees assigned to a shift in which a majority of time worked daily or weekly is between 5:00 p.m. and 7:00 a.m. shall be \$ .50 per hour or \$87.00 per month.

(2) Shift differential shall be paid for the entire daily or weekly shift which qualifies under subsection (1) of this section. Shift differential may also be computed and paid at the above monthly rate for employees permanently assigned to a qualifying afternoon or night shift.

(3) An employee assigned to a shift that qualifies for shift differential pay shall receive the shift differential for authorized periods of paid leave.

(4) When an employee is regularly assigned to an afternoon or evening shift that qualifies for shift differential, he/she shall continue to receive the shift differential during temporary assignment, not to exceed five working days, to a shift that does not qualify for shift differential.

(5) Shift differential shall not apply to police officers where salaries are correlated with a rotating shift in accordance with local prevailing rate practice. [Statutory Authority: RCW 28B.16.100. 85-14-045 (Order 129), § 251-09-040, filed 6/28/85; Order 62, § 251-09-040, filed 8/30/77, effective 10/1/77.]

**Chapter 251-10 WAC**  
**SEPARATION--DISCIPLINE**

WAC  
251-10-025 Layoff seniority--General provisions.  
251-10-030 Layoff.  
251-10-031 Repealed.  
251-10-035 Layoff--Special employment programs.  
251-10-045 Layoff--Veterans retention preference.  
251-10-055 Layoff lists--Institution-wide.  
251-10-112 Medical examination--Current employee.  
251-10-120 Dismissal/separation--Grounds for--Notice.  
251-10-140 Immediate dismissal.  
251-10-160 Withdrawal or amendment of charges--Time limitation.

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

251-10-031 Layoff--Equal layoff seniority. [Statutory Authority: RCW 28B.16.100. 82-16-002 (Order 98), § 251-10-031, filed 7/22/82, effective 9/1/82.] Repealed by 85-20-049 (Order 136), filed 9/25/85. Statutory Authority: RCW 28B.16.100.

**WAC 251-10-025 Layoff seniority--General provisions.** (1) Layoff seniority is used to determine which employee(s) will be affected by a layoff.

(2) Layoff seniority is the number of calendar days an employee has been continuously employed in the classified service.

(3) Layoff seniority is based on the earliest date of continuous classified service. For the purposes of layoff seniority, classified service of less than full time shall be considered full-time service.

(4) Authorized leave of absence without pay shall not constitute a break in service; however, the time spent on such leave shall not be included in computing seniority except where required by statute or as stated in subsection (5) of this section.

(5) Leave of absence without pay scheduled for cyclic year positions does not constitute a break in service and shall be included when calculating layoff seniority for employees in cyclic year positions.

(6) Permanent employees who are veterans or their unmarried widows/widowers as identified in WAC 251-10-045 shall have added to their unbroken service the veteran's active military service to a maximum of five years' credit. [Statutory Authority: RCW 28B.16.100. 85-04-019 (Order 123), § 251-10-025, filed 1/30/85.]

**WAC 251-10-030 Layoff.** (1) An appointing authority may separate or reduce the number of working hours or the work year of an employee without prejudice because of lack of funds or lack of work.

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

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

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

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

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

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

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

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

The employee may exercise either option WAC 251-10-030 (5)(a) or (5)(b) provided that the employee being replaced is the least senior in a comparable position

in the class and has less layoff seniority than the employee replacing him/her. A vacant position, if available, should be considered to be the position in the class held by the least senior person. The employee may elect to have access to less-than-comparable positions by so notifying the personnel officer in writing.

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

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

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

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

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

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

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

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

(7) In order to be offered a layoff option or return from layoff to a position for which specific position requirements have been documented in accordance with WAC 251-18-255(1), the employee must demonstrate a satisfactory level of knowledge, skill, or ability on the specific position requirements.

(8) In a layoff action involving a position for which a particular sex is a bona fide occupational requirement, as approved by the Washington state human rights commission, the most senior employee meeting the occupational requirements may be retained in the position over more senior employees in such class who do not meet the occupational requirement.

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

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

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

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

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

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

(10) Layoff actions for employees of special employment programs as identified in WAC 251-18-410 shall

be administered as provided in WAC 251-10-035. [Statutory Authority: RCW 28B.16.100. 85-16-038 (Order 134), § 251-10-030, filed 7/31/85, effective 9/1/85; 82-07-074 (Order 94), § 251-10-030, filed 3/23/82. Statutory Authority: RCW 18B.16.100 [28B.16.100]. 79-07-096 (Order 76), § 251-10-030, filed 6/29/79, effective 8/1/79. Statutory Authority: RCW 28B.16.100. 79-03-029 (Order 71), § 251-10-030, filed 2/27/79, effective 4/2/79; Order 61, § 251-10-030, filed 8/30/77, effective 10/1/77; Order 44, § 251-10-030, filed 6/25/75; Order 41, § 251-10-030, filed 3/17/75; Order 35, § 251-10-030, filed 7/23/74; Order 32, § 251-10-030, filed 3/19/74; Order 8, § 251-10-030, filed 6/17/71, effective 7/19/71; Order 4, § 251-10-030, filed 2/19/71; Order 1, § 251-10-030, filed 9/15/69.]

**WAC 251-10-031 Repealed.** See Disposition Table at beginning of this chapter.

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

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

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

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

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

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

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

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

The employee may exercise either option provided that the employee being replaced is the least senior in

the class and has less layoff seniority than the employee replacing him/her.

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

(6) The provisions of WAC 251-10-030 (7) and (8) relative to specific position and bona fide occupational requirements shall apply to special employment program layoff actions.

(7) The names of employees scheduled for layoff or actually laid off from service within a class shall be placed on the special employment program layoff list as provided in WAC 251-18-180. [Statutory Authority: RCW 28B.16.100. 85-16-038 (Order 134), § 251-10-035, filed 7/31/85, effective 9/1/85; 82-19-067 (Order 102), § 251-10-035, filed 9/20/82, effective 10/25/82; 79-07-096 (Order 76), § 251-10-035, filed 6/29/79, effective 8/1/79; Order 61, § 251-10-035, filed 8/30/77, effective 10/1/77; Order 44, § 251-10-035, filed 6/25/75.]

**WAC 251-10-045 Layoff--Veterans retention preference.** (1) For the purpose of this section veteran means any permanent employee who has one or more years in 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.

(2) Veterans as defined in subsection (1) of this section shall have added to their unbroken service in the classified service, their total active military service, not to exceed five years. The combined total of unbroken service in the classified service and active military service will constitute the veterans' layoff seniority.

(3) The unmarried widow/widower of an eligible veteran is entitled to veterans retention benefits as outlined in subsections (1) and (2) of this section regardless of the veteran's length of active military service.

(4) For the purpose of this rule "veteran" does not include any person who as a veteran retired with twenty or more years' active military service and has military retirement pay in excess of five hundred dollars per month. [Statutory Authority: RCW 28B.16.100. 84-08-032 (Order 113), § 251-10-045, filed 3/30/84, effective 5/1/84; 82-16-002 (Order 98), § 251-10-045, filed 7/22/82, effective 9/1/82; Order 61, § 251-10-045, filed 8/30/77, effective 10/1/77.]

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

(1) The names of persons identified in subsection (6) of this section, permanent and probationary employees who are scheduled for layoff, who have been laid off from

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

(a) The employee has requested placement on the list;

(b) The employee has not been rejected, reverted, demoted or dismissed from such class(es); and

(c) The class has the same or lower salary range maximum as the class from which laid off.

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

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

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

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

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

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

(b) Retirement, resignation, or dismissal from the institution shall cause removal from the list(s).

(c) Declination of appointment to three positions on shifts for which the employee has formally indicated availability.

(6) In addition to persons identified in subsection (1) of this section, institution-wide layoff lists shall also contain the names of former employees of the institution/related board who have not successfully completed a trial service period resulting from movement identified in WAC 251-18-347. Such employees shall only have access to the list for the class in which they held permanent status prior to moving via WAC 251-18-347. [Statutory Authority: RCW 28B.16.100. 85-20-050 (Order 137), § 251-10-055, filed 9/25/85, effective 11/1/85; 84-08-032 (Order 113), § 251-10-055, filed 3/30/84, effective 5/1/84; 82-19-067 (Order 102), § 251-10-055, filed 9/20/82, effective 10/25/82; 81-15-003 (Order 88), § 251-10-055, filed 7/2/81; 78-06-068 (Order 68), § 251-10-055, filed 5/25/78, effective 7/1/78; Order 61, § 251-10-055, filed 8/30/77, effective 10/1/77.]

**WAC 251-10-112 Medical examination--Current employee.** A medical examination and/or doctor's certificate may be required where a question arises concerning the fitness of a current employee to perform the duties of his/her position. Cost of the medical examination and/or doctor's certificate should be borne by the employer; provided that such costs shall not be borne by the

employer under the circumstances described in WAC 251-22-111(2). [Statutory Authority: RCW 28B.16.100. 85-04-019 (Order 123), § 251-10-112, filed 1/30/85.]

**WAC 251-10-120 Dismissal/separation—Grounds for—Notice.** Appointing authorities may dismiss or separate a permanent employee for just cause as specified in WAC 251-10-110. The employee shall be provided written notice of the specified cause(s), specific charges, and the right to appeal the dismissal action to the board. The notice shall be furnished at least fifteen calendar days prior to the effective date of the action (unless the dismissal is to be effective immediately as provided in WAC 251-10-140) and shall be furnished directly to the employee during his/her scheduled working hours, or if this is not possible because of the absence of the employee during his/her regularly scheduled working hours, mailed by certified letter to the employee's last known address. If the notification is furnished directly to the employee, the day it is furnished shall be counted as a day of notice. If the notification is mailed, the notice shall be considered received the same day as it is post-marked and the notice period shall be computed as provided in WAC 251-04-100. A copy of the notice to the employee shall be transmitted to the director. [Statutory Authority: RCW 28B.16.100. 85-06-017 (Order 125), § 251-10-120, filed 2/25/85, effective 4/1/85; 83-10-029 (Order 105), § 251-10-120, filed 4/29/83, effective 6/1/83; Order 61, § 251-10-120, filed 8/30/77, effective 10/1/77.]

**WAC 251-10-140 Immediate dismissal.** When the appointing authority determines that a permanent employee is to be dismissed for cause as provided in WAC 251-10-110 and the circumstances are such that retention of the employee in an active duty status may result in damage to state property or may be injurious to the employee, fellow workers, or the client public, the employee may be dismissed immediately. The employee must be notified in writing as provided in WAC 251-10-120, but the fifteen calendar days notice requirement does not apply. The notification must state the cause for the dismissal and in addition the necessity for the immediacy of the action. [Statutory Authority: RCW 28B.16.100. 84-12-047 (Order 117), § 251-10-140, filed 6/1/84; 83-20-020 (Order 108), § 251-10-140, filed 9/23/83, effective 10/24/83; 82-16-002 (Order 98), § 251-10-140, filed 7/22/82, effective 9/1/82; 78-06-068 (Order 68), § 251-10-140, filed 5/25/78, effective 7/1/78; Order 61, § 251-10-140, filed 8/30/77, effective 10/1/77.]

**WAC 251-10-160 Withdrawal or amendment of charges—Time limitation.** Appointing authorities may withdraw or amend demotion, suspension, reduction in salary, or dismissal actions, but not after an appeal of the action has been heard by the board. [Statutory Authority: RCW 28B.16.100. 84-16-067 (Order 119), § 251-10-160, filed 7/31/84; Order 61, § 251-10-160, filed 8/30/77, effective 10/1/77.]

**Chapter 251-12 WAC  
APPEALS**

WAC	
251-12-072	Appeals from eligibility determinations.
251-12-073	Appeals from exempt status.
251-12-080	Appeals from demotion, suspension, layoff, reduction in salary, separation, dismissal.
251-12-110	Appearance and practice before the board.
251-12-240	Burden of proof.

**WAC 251-12-072 Appeals from eligibility determinations.** An applicant may appeal the following actions in accord with the provisions of WAC 251-18-145:

- (1) Rejection of his/her application; or
- (2) The results of the institutional examination review process; or
- (3) The conduct of the selection process and/or his/her examination results; or
- (4) Failure to restore his/her name to an eligible list following the institutional review process; or
- (5) Removal of his/her name from an eligible list for reasons other than those specified in WAC 251-18-200(2). [Statutory Authority: RCW 28B.16.100. 84-24-032 (Order 122), § 251-12-072, filed 11/30/84, effective 1/1/85; Order 61, § 251-12-072, filed 8/30/77, effective 10/1/77.]

**WAC 251-12-073 Appeals from exempt status.** As indicated in WAC 251-04-040(11), any employee who feels that any classification should or should not be exempt, or any employee in a nonexempt classification who feels that he/she should be exempt because of academic qualifications which would enable such employee to teach and thus be exempt, may appeal to the board in the same manner as provided in WAC 251-12-080. [Statutory Authority: RCW 28B.16.100. 85-16-038 (Order 134), § 251-12-073, filed 7/31/85, effective 9/1/85; Order 61, § 251-12-073, filed 8/30/77, effective 10/1/77.]

**WAC 251-12-080 Appeals from demotion, suspension, layoff, reduction in salary, separation, dismissal.** Any permanent employee who is demoted, suspended, laid off, reduced in salary, separated or dismissed, may appeal such action. Appeals must be in writing and must be filed in the office of the director within thirty calendar days after the effective date of the action appealed. [Statutory Authority: RCW 28B.16.100. 84-16-067 (Order 119), § 251-12-080, filed 7/31/84; 82-10-006 (Order 95), § 251-12-080, filed 4/26/82, effective 6/1/82; Order 61, § 251-12-080, filed 8/30/77, effective 10/1/77; Order 21, § 251-12-080, filed 5/24/73; Order 1, § 251-12-080, filed 9/15/69.]

**WAC 251-12-110 Appearance and practice before the board.** Appellants shall have the right to represent themselves in all types of hearings before the board. In addition appellants or institutions may be represented by a party of their choosing, except that no person may

represent an appellant or institution in hearings of demotion, reduction in salary, suspension, separation, dismissal, layoff, or refusal to reinstate after presumption of resignation other than the following:

(1) Attorneys at law duly qualified and entitled to practice before the supreme court of the state of Washington.

(2) Attorneys at law duly qualified and entitled to practice before the highest court of record of any other state, if the attorneys at law of the state of Washington are permitted to appear in a representative capacity before administrative agencies of such other state, and if not otherwise prohibited by Washington state law.

(3) Authorized legal interns, when accompanied by their qualified supervising attorney. [Statutory Authority: RCW 28B.16.100. 84-16-067 (Order 119), § 251-12-110, filed 7/31/84; 80-16-009 (Order 86), § 251-12-110, filed 10/27/80, effective 12/1/80; Order 61, § 251-12-110, filed 8/30/77, effective 10/1/77; Order 1, § 251-12-110, filed 9/15/69.]

**WAC 251-12-240 Burden of proof.** (1) At any hearing on appeal from a layoff, demotion, suspension, reduction in salary, separation (except for voluntary resignation or retirement), or dismissal the institution shall have the burden of proof.

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

(3) At any hearing on exceptions to a hearing examiner's recommended decision per the provisions of WAC 251-12-085 or to a director's determination per the provisions of WAC 251-12-075, 251-12-600, or 251-18-115, the party filing the exceptions shall have the burden of proof. [Statutory Authority: RCW 28B.16.100. 84-16-067 (Order 119), § 251-12-240, filed 7/31/84; 81-18-039 (Order 90), § 251-12-240, filed 8/28/81, effective 10/1/81; 78-06-068 (Order 68), § 251-12-240, filed 5/25/78, effective 7/1/78; Order 61, § 251-12-240, filed 8/30/77, effective 10/1/77; Order 1, § 251-12-240, filed 9/15/69.]

### Chapter 251-18 WAC EMPLOYMENT--APPOINTMENT

WAC	
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251-18-165	Examinations—Records requirements.
251-18-170	Repealed.
251-18-175	Repealed.
251-18-180	Eligible lists—Definition—Composition.
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251-18-185	Eligible lists—Tied scores—Certification.
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251-18-240	Certification—Method.
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251-18-320	Appointment—Probationary.
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### DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

251-18-025	Examination notice—Exception—Training. [Order 61, § 251-18-025, filed 8/30/77, effective 10/1/77.] Repealed by 84-18-060 (Order 120), filed 9/5/84. Statutory Authority: RCW 28B.16.100.
251-18-030	Examination notice—Content. [Statutory Authority: RCW 28B.16.100. 78-06-068 (Order 68), § 251-18-030, filed 5/25/78, effective 7/1/78; Order 61, § 251-18-030, filed 8/30/77, effective 10/1/77; Order 46, § 251-18-030, filed 9/19/75; Order 3, § 251-18-030, filed 1/15/71.] Repealed by 84-18-060 (Order 120), filed 9/5/84. Statutory Authority: RCW 28B.16.100.
251-18-080	Application—Acceptance. [Order 61, § 251-18-080, filed 8/30/77, effective 10/1/77; Order 21, § 251-18-080, filed 5/24/73; Order 3, § 251-18-080, filed 1/15/71.] Repealed by 84-10-056 (Order 115), filed 5/2/84. Statutory Authority: RCW 28B.16.100.
251-18-100	Application—Admission to examination. [Order 61, § 251-18-100, filed 8/30/77, effective 10/1/77; Order 46, § 251-18-100, filed 9/19/75; Order 3, § 251-18-100, filed 1/15/71.] Repealed by 84-10-056 (Order 115), filed 5/2/84. Statutory Authority: RCW 28B.16.100.
251-18-115	Examination—Eligibility—Right of appeal or review. [Statutory Authority: RCW 28B.16.100. 79-12-088 (Order 81), § 251-18-115, filed 12/3/79; 78-02-094 (Order 65), § 251-18-115, filed 1/30/78; Order 61, § 251-18-115, filed 8/30/77, effective 10/1/77.] Repealed by 84-10-056 (Order 115), filed 5/2/84. Statutory Authority: RCW 28B.16.100.
251-18-150	Reexamination—Procedure. [Order 61, § 251-18-150, filed 8/30/77, effective 10/1/77; Order 3, § 251-18-150, filed 1/15/71.] Repealed by 84-10-056 (Order 115), filed 5/2/84. Statutory Authority: RCW 28B.16.100.
251-18-155	Examination—Records requirement. [Order 61, § 251-18-155, filed 8/30/77, effective 10/1/77; Order 35, § 251-18-155, filed 7/23/74.] Repealed by 84-10-056 (Order 115), filed 5/2/84. Statutory Authority: RCW 28B.16.100.
251-18-170	Eligible lists—Establishment. [Order 61, § 251-18-170, filed 8/30/77, effective 10/1/77; Order 3, § 251-18-170, filed 1/15/71.] Repealed by 84-10-056

- (Order 115), filed 5/2/84. Statutory Authority: RCW 28B.16.100.
- 251-18-175 Eligible list—Related list. [Order 61, § 251-18-175, filed 8/30/77, effective 10/1/77.] Repealed by 84-10-056 (Order 115), filed 5/2/84. Statutory Authority: RCW 28B.16.100.
- 251-18-181 Eligible lists—Combined. [Statutory Authority: RCW 28B.16.100. 78-06-068 (Order 68), § 251-18-181, filed 5/25/78, effective 7/1/78; 78-02-094 (Order 65), § 251-18-181, filed 1/30/78; Order 61, § 251-18-181, filed 8/30/77, effective 10/1/77.] Repealed by 84-10-056 (Order 115), filed 5/2/84. Statutory Authority: RCW 28B.16.100.
- 251-18-230 Certification—Request for. [Statutory Authority: RCW 28B.16.100. 78-02-094 (Order 65), § 251-18-230, filed 1/30/78; Order 61, § 251-18-230, filed 8/30/77, effective 10/1/77; Order 3, § 251-18-230, filed 1/15/71.] Repealed by 84-10-056 (Order 115), filed 5/2/84. Statutory Authority: RCW 28B.16.100.

**WAC 251-18-010 Examination—Requirement—Responsibilities.** (1) Appointment to positions in the classified service shall be made according to merit and suitability ascertained for each class by an appropriate examination.

(2) All job elements included in examinations developed or modified subsequent to January 1, 1986, shall be justified by documented job analysis.

(3) Personnel officers shall assist in conducting and/or conduct job analyses at their institutions.

(4) Job analysis methods shall meet professional standards and be approved by the director before they are used to develop examinations.

(5) System examinations shall be developed by the director with the assistance of the personnel officers and made available for the use of all institutions. The director shall periodically distribute an approved system job element examination list showing all current system examinations.

(6) Personnel officers shall use only the current versions of the examinations shown on the approved system job element examination list unless approval has been given by the director for examination modifications or the use of institutional examinations.

(7) Personnel officers may develop modifications to system examinations and/or institutional examinations to meet requirements which are unique to their institutions.

(8) Institutional examinations and modifications to system examinations shall be:

(a) Approved by the director before they are used;

(b) Used by institutions other than the developing institution only with the approval of the director.

(9) The personnel officer is responsible for determining when to open eligible lists and conduct examinations. [Statutory Authority: RCW 28B.16.100. 85-21-031 (Order 139), § 251-18-010, filed 10/10/85; 85-16-038 (Order 134), § 251-18-010, filed 7/31/85, effective 9/1/85; 84-10-056 (Order 115), § 251-18-010, filed 5/2/84; Order 61, § 251-18-010, filed 8/30/77, effective 10/1/77; Order 46, § 251-18-010, filed 9/19/75; Order 33, § 251-18-010, filed 6/18/74; Order 3, § 251-18-010, filed 1/15/71.]

**WAC 251-18-011 Promotional organizational units—Establishment.** The personnel officer shall establish promotional organizational units based upon administrative unit and/or geographical location. Such units must be approved by the director. [Statutory Authority: RCW 28B.16.100. 84-10-056 (Order 115), § 251-18-011, filed 5/2/84.]

**WAC 251-18-012 Eligible list—Related list.** (1) Should a vacancy occur in a class for which there is no existing eligible list, it shall be the responsibility of the personnel officer to recruit and develop an eligible list.

(2) If it is impractical to recruit in order to establish an eligible list for a class, the personnel officer may:

(a) Substitute an eligible list for a related class if he/she deems the classes to be sufficiently similar.

(b) Request the use of an eligible list established for the class at another institution. [Statutory Authority: RCW 28B.16.100. 84-10-056 (Order 115), § 251-18-012, filed 5/2/84.]

**WAC 251-18-015 Noncompetitive service.** (1) All classes at an institution shall be considered to be in the competitive service unless a class has been specifically approved by the director to be in the noncompetitive service at that institution.

(2) For a class to be considered for approval for the noncompetitive service, the personnel officer must comply with the procedures established by the director and approved by the board for granting such approval. [Statutory Authority: RCW 28B.16.100. 84-10-056 (Order 115), § 251-18-015, filed 5/2/84.]

**WAC 251-18-020 Recruitment notice—Publicity—Duration.** (1) Notice of examinations to establish eligible lists shall be made via public display, including institutional posting, of recruitment notices and such other publicity as the personnel officer deems to be warranted.

(2) Recruitment notices may be opened with or without specified closing dates:

(a) A recruitment notice with a specified closing date must allow for an application period of at least seven calendar days from the date of opening the notice, unless the personnel officer authorizes a shorter application period for an open competitive or noncompetitive recruitment notice.

(b) A recruitment notice without a specified closing date must state that the application period may be closed upon three calendar days prior notice. Public notice of at least three calendar days must be given prior to closing such a recruitment notice.

(3) The personnel officer shall develop and utilize a procedure by which employees who have formally indicated an interest in promotion are made aware of promotional opportunities.

(4) The personnel officer may extend the application period for a recruitment notice as required by giving public notice in the same manner as the original notice. [Statutory Authority: RCW 28B.16.100. 84-10-056 (Order 115), § 251-18-020, filed 5/2/84; 79-03-029 (Order 71), § 251-18-020, filed 2/27/79; Order 61, §

251-18-020, filed 8/30/77, effective 10/1/77; Order 46, § 251-18-020, filed 9/19/75; Order 35, § 251-18-020, filed 7/23/74; Order 3, § 251-18-020, filed 1/15/71.]

**WAC 251-18-025 Repealed.** See Disposition Table at beginning of this chapter.

**WAC 251-18-030 Repealed.** See Disposition Table at beginning of this chapter.

**WAC 251-18-035 Recruitment notices--Required content.** Official institutional recruitment notices (not to include media or other supplemental publicity) shall contain the following information:

(1) For promotional examinations, a statement that the examination is open only to organizational unit and/or institution-wide promotional applicants.

(2) The title of the HEPB classification for which the list is open.

(3) The salary range for the class.

(4) Any conditions of employment for the class or position(s).

(5) The closing date of the recruitment notice, i.e., the specific date and time by which applications must be received by the personnel officer.

(6) When the recruitment notice is to be widely distributed, a statement of the specific locations at which corrected or extended recruitment notices will be displayed.

(7) A brief description of the duties of the class and, if applicable, the duties of the specific position(s).

(8) The minimum qualifications of the classification, if any.

(9) When applicable, a statement regarding the use of a combined list per WAC 251-18-180(10).

(10) When applicable, a statement that certification for corrective employment per WAC 251-18-250 may be utilized.

(11) When applicable, a statement that certification for specific position requirements per WAC 251-18-255 may be utilized.

(12) When applicable per WAC 251-18-060(3), the minimum number of most highly qualified applicants who will be admitted to each phase of the examination other than the screening or other initial phase, provided that at least this number of applicants pass the initial phase(s) of the examination.

(13) For classes in the approved noncompetitive service of the institution:

(a) That applicants will be placed on the list(s) in the order in which they complete making proper application for the class.

(b) The number of applicants who will be placed on the eligible list(s). [Statutory Authority: RCW 28B.16.100. 85-21-031 (Order 139), § 251-18-035, filed 10/10/85; 85-16-038 (Order 134), § 251-18-035, filed 7/31/85, effective 9/1/85.]

**WAC 251-18-041 Application materials--Distribution to applicants.** The following materials shall be

provided to job applicants when they apply for a specific recruitment:

(1) The institution's application form as prescribed in WAC 251-18-070(1).

(2) The institution's examination information for job applicants document which explains the HEPB job element examination system and the examination process at that institution.

(3) Either the supplemental application or a brief description of the examination elements for the class. [Statutory Authority: RCW 28B.16.100. 85-16-038 (Order 134), § 251-18-041, filed 7/31/85, effective 9/1/85.]

**WAC 251-18-050 Examinations--Employee release time.** Current employee applicants shall suffer no loss in regular salary as a result of participating in examinations which are conducted for their employing institution during their regularly scheduled working hours. [Statutory Authority: RCW 28B.16.100. 84-10-056 (Order 115), § 251-18-050, filed 5/2/84; Order 61, § 251-18-050, filed 8/30/77, effective 10/1/77; Order 46, § 251-18-050, filed 9/19/75; Order 33, § 251-18-050, filed 6/18/74; Order 3, § 251-18-050, filed 1/15/71.]

**WAC 251-18-060 Examination--Eligibility.** (1) Open-competitive examinations shall be open to all persons who apply according to the provisions of these rules and meet the minimum qualifications for the class.

(2) Promotional examinations shall be limited to those current permanent employees of the classified service at the institution who apply according to the provisions of these rules and meet the minimum qualifications for the class. The personnel officer may open promotional examinations on either an organizational unit or institution-wide basis, whichever the personnel officer determines to be in the interest of the service.

(3) When the number of qualified applicants for a class in the competitive service is expected to result in an eligible list in excess of the institution's current needs, the personnel officer may limit the applications to be admitted to the intermediate and/or final phase(s) of the examination to those most qualified, based on an assessment of qualifications in the initial and/or intermediate phase(s) of the examination. Such limitation must be specified in the recruitment notice. If no such limitation is specified, all applicants who pass the entire examination shall be placed on the eligible list for the class.

(4) The personnel officer may add members of underutilized groups to promotional and open-competitive eligible lists at anytime in accordance with the institution's corrective employment program as provided in WAC 251-18-390 (2)(e), provided such persons pass the examination for the class.

(5) The personnel officer may add employees who complete institution-approved training programs to the appropriate eligible list at any time, provided such employees meet the minimum qualifications and pass the examination for the class. [Statutory Authority: RCW 28B.16.100. 84-12-047 (Order 117), § 251-18-060,

filed 6/1/84; Order 61, § 251-18-060, filed 8/30/77, effective 10/1/77; Order 46, § 251-18-060, filed 9/19/75; Order 38, § 251-18-060, filed 11/18/74; Order 3, § 251-18-060, filed 1/15/71.]

**WAC 251-18-070 Application forms--Acceptance.**

(1) Application forms shall be prescribed by the personnel officer in compliance with applicable state and/or federal law.

(2) Applications shall be filed in accordance with the times specified in the recruitment notice.

(3) All required application materials, including supplemental applications, must be submitted by the specified time in order for an application to be considered.

(4) When an application is rejected for failure to meet the requirements of subsection (3) of this section, the provisions of WAC 251-18-110(2) shall apply.

(5) The personnel officer may require proof of age, education, experience, veterans preference, and/or other claims relevant to the qualifications of an applicant. [Statutory Authority: RCW 28B.16.100. 84-10-056 (Order 115), § 251-18-070, filed 5/2/84; 78-02-094 (Order 65), § 251-18-070, filed 1/30/78; Order 61, § 251-18-070, filed 8/30/77, effective 10/1/77; Order 3, § 251-18-070, filed 1/15/71.]

**WAC 251-18-075 Examination administration.**

(1) Personnel officers shall administer examinations in accordance with the administration instructions developed for each system or institutional examination.

(2) The personnel officer is responsible for maintaining the security of all confidential examination materials, including test booklets, answer sheets, scoring keys, and rating guides. The personnel officer shall notify the director immediately if there is a suspected breach of examination security.

(3) Personnel officers shall develop institutional procedures for the reexamination of applicants at their institutions. Such procedures shall be approved by the director before they are used. [Statutory Authority: RCW 28B.16.100. 85-16-038 (Order 134), § 251-18-075, filed 7/31/85, effective 9/1/85.]

**WAC 251-18-080 Repealed.** See Disposition Table at beginning of this chapter.

**WAC 251-18-095 Examinations--Evaluation of.**

(1) The director shall specify the rating and/or scoring systems to be used to evaluate examinations, including the ratings, scores and/or percentiles required to pass an examination.

(2) Personnel officers shall evaluate examinations in accordance with the rating guides and rating/scoring instructions developed for each system and institutional examination.

(3) Rating guides shall be used to evaluate all job elements included in system and institutional examinations.

(4) Personnel officers shall develop rating guides for all examinations for which system rating guides are not available.

(5) Personnel officers shall assure that raters of examinations, including supplemental applications, performance tests and oral boards, shall have an adequate knowledge of the work required by the specific class or position.

(6) The personnel officer is responsible for the accuracy of the total examination ratings given by the raters of examinations and may disqualify a rater for good and sufficient reason(s). The personnel officer shall disqualify any rater who was biased, did not follow either the content or the intent of the rating guide, or did not possess the required technical knowledge to evaluate the examination.

(7) Applicants must obtain ratings of "satisfactory ability" or higher on all of the essential job elements in an examination in order to pass that examination.

(8) Applicants must pass the final phase of an examination in order to be placed on an eligible list. [Statutory Authority: RCW 28B.16.100. 85-16-038 (Order 134), § 251-18-095, filed 7/31/85, effective 9/1/85.]

**WAC 251-18-100 Repealed.** See Disposition Table at beginning of this chapter.

**WAC 251-18-110 Application--Disqualification--**

**Rejection.** (1) The personnel officer may reject an application at any time during the examination process for good and sufficient reason(s).

(2) Whenever the personnel officer rejects an application, the applicant shall be given a written statement including:

(a) The specific reason(s) for the rejection; and

(b) Notification of the right of review per WAC 251-18-140 (1)(b); and

(c) His/her right of appeal per WAC 251-18-145 (1)(a). [Statutory Authority: RCW 28B.16.100. 84-10-056 (Order 115), § 251-18-110, filed 5/2/84; 78-02-094 (Order 65), § 251-18-110, filed 1/30/78; Order 61, § 251-18-110, filed 8/30/77, effective 10/1/77; Order 38, § 251-18-110, filed 11/18/74; Order 4, § 251-18-110, filed 2/19/71.]

**WAC 251-18-115 Repealed.** See Disposition Table at beginning of this chapter.

**WAC 251-18-120 Applicants--Anonymity.**

When practical, the identity of persons taking a written examination shall be concealed from the examiners. [Statutory Authority: RCW 28B.16.100. 84-10-056 (Order 115), § 251-18-120, filed 5/2/84; Order 61, § 251-18-120, filed 8/30/77, effective 10/1/77; Order 3, § 251-18-120, filed 1/15/71.]

**WAC 251-18-130 Veterans preference.** (1) Veterans who claim veterans preference and meet the criteria specified in subsections (2) through (4) of this section shall have added to their final passing scores:

(a) Ten percent of the final passing score for a veteran who is not receiving any veteran's retirement payments. This preference shall be utilized in open-



competitive examinations until the veteran's first appointment and not in any promotional examination.

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

(c) Five percent of the final passing score for a veteran who, after having previously received employment with the state, is called, or recalled, to active military service for one or more years during any period of war. This preference shall be limited to the first promotional examination following return from military service.

(2) Veterans preference must be claimed within eight years of the date of release from active service.

(3) The term "veteran" as used in these rules shall include every person who has received an honorable discharge or received a discharge for physical reasons with an honorable record and:

(a) Has served in any branch of the armed forces of the United States between World War I and World War II or during any period of war; or

(b) Has served in any branch of the armed forces of the United States and received the armed forces expeditionary medal, or Marine Corps and Navy expeditionary medal, for opposed action on foreign soil.

(4) A "period of war" includes World War I, World War II, the Korean conflict, the Viet Nam era, and the period beginning on the date of any future declaration of war by the congress and ending on the date prescribed by presidential proclamation or concurrent resolution of the congress. The "Viet Nam era" means the period beginning August 5, 1964, and ending on May 7, 1975. [Statutory Authority: RCW 28B.16.100. 84-24-032 (Order 122), § 251-18-130, filed 11/30/84, effective 1/1/85; 84-12-047 (Order 117), § 251-18-130, filed 6/1/84; 78-10-090 (Order 70), § 251-18-130, filed 9/29/78, effective 11/1/78; Order 61, § 251-18-130, filed 8/30/77, effective 10/1/77; Order 35, § 251-18-130, filed 7/23/74; Order 3, § 251-18-130, filed 1/15/71.]

**WAC 251-18-140 Examination results--Notification--Institutional review.** (1) The personnel officer shall:

(a) Provide each applicant with written notice of his/her final status in the examination process, normally within fifteen calendar days after the eligible list is established; and

(b) Inform each applicant that within fifteen calendar days of service of his/her notice, he/she may request a review of the action by the personnel officer; and

(c) Inform each applicant of his/her appeal rights per WAC 251-18-145 (1)(c).

(2) Applicants' final status in the examination process shall consist of one of the following:

(a) Application was rejected for good and sufficient reason in accordance with WAC 251-18-110.

(b) Applicant failed the screening or intermediate phase(s) of the examination.

(c) Applicant was not among the most highly qualified applicants to be admitted to subsequent phase(s) of the examination.

(d) Applicant failed the final phase of the examination.

(e) Applicant was placed on the appropriate eligible list in accordance with WAC 251-18-180.

(3) Within thirty calendar days after receiving a request for review as provided in subsection (1)(b) of this section, the personnel officer will provide the applicant with written notice of the results of the review and of appeal rights as provided in WAC 251-18-145 (1)(b). [Statutory Authority: RCW 28B.16.100. 85-16-038 (Order 134), § 251-18-140, filed 7/31/85, effective 9/1/85; 84-10-056 (Order 115), § 251-18-140, filed 5/2/84; 78-06-068 (Order 68), § 251-18-140, filed 5/25/78, effective 7/1/78; 78-02-094 (Order 65), § 251-18-140, filed 1/30/78; Order 61, § 251-18-140, filed 8/30/77, effective 10/1/77; Order 35, § 251-18-140, filed 7/23/74; Order 21, § 251-18-140, filed 5/24/73; Order 3, § 251-18-140, filed 1/15/71.]

**WAC 251-18-145 Examination--Eligibility--Right of appeal.** (1) A person shall have the right to appeal the following to the higher education personnel board as provided in subsection (2) of this section:

(a) Rejection of his/her application; or

(b) The results of the institutional examination review process per WAC 251-18-140 (1)(b); or

(c) The conduct of the selection process and/or his/her examination results; or

(d) Failure to restore his/her name to an eligible list following the institutional review process per WAC 251-18-200(4); or

(e) Removal of his/her name from an eligible list for reasons other than those specified in WAC 251-18-200(2).

(2) Any employee or employee representative may appeal an alleged failure to follow the provisions of WAC 251-18-010 (1) through (8) in accordance with WAC 251-12-075.

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

(a) The case may be handled in the same manner as appeals from demotion, suspension, layoff, reduction, or dismissal, as provided in WAC 251-12-080 through 251-12-260, except for WAC 251-12-110; or

(b) The director may investigate the case and issue a determination.

(i) When the appellant is a classified employee, within thirty calendar days of the date of service of the determination to the appellant and the institution, either party may file written exceptions with the board detailing the specific items of the determination to which exception is taken. A hearing on the exceptions will be

scheduled before the board which may limit argument to the exceptions or may rehear the case in its entirety;

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

(c) Both parties to the appeal may be requested to submit evidence upon which the board may take action without a hearing. [Statutory Authority: RCW 28B.16.100. 85-20-050 (Order 137), § 251-18-145, filed 9/25/85, effective 11/1/85; 84-10-056 (Order 115), § 251-18-145, filed 5/2/84.]

**WAC 251-18-150 Repealed.** See Disposition Table at beginning of this chapter.

**WAC 251-18-155 Repealed.** See Disposition Table at beginning of this chapter.

**WAC 251-18-160 Examination--Medical.** Eligibles for employment or promotion shall take a medical examination if prescribed for the position to which appointment is sought. All eligibles must conform with medical regulations for state employment established by the Washington state board of health. [Statutory Authority: RCW 28B.16.100. 84-10-056 (Order 115), § 251-18-160, filed 5/2/84; 78-06-068 (Order 68), § 251-18-160, filed 5/25/78, effective 7/1/78; Order 61, § 251-18-160, filed 8/30/77, effective 10/1/77; Order 3, § 251-18-160, filed 1/15/71.]

**WAC 251-18-165 Examinations--Records requirements.** (1) The personnel officer shall maintain selection records as required by applicable federal, state, and local laws and institutional policies.

(2) The director shall maintain records of all current approvals given with regard to the selection process at each institution.

(3) Personnel officers shall maintain written records of all current approvals given with regard to the selection process at their institutions. [Statutory Authority: RCW 28B.16.100. 85-16-038 (Order 134), § 251-18-165, filed 7/31/85, effective 9/1/85.]

**WAC 251-18-170 Repealed.** See Disposition Table at beginning of this chapter.

**WAC 251-18-175 Repealed.** See Disposition Table at beginning of this chapter.

**WAC 251-18-180 Eligible lists--Definition--Composition.** Eligible lists shall be established by class as follows:

(1) **Institution-wide layoff lists** shall contain the names of:

(a) All permanent and probationary employees laid off or scheduled for layoff in accord with WAC 251-10-030 and 251-10-055 ranked in order of layoff seniority.

(b) Former permanent employees of the institution who (i) have transferred, promoted, voluntarily demoted or laterally moved to positions at other institutions/related boards, and (ii) have not successfully completed

their trial service periods at the institution to which they moved, ranked in order of layoff seniority.

(2) **Organizational unit promotional lists** shall contain the names of all permanent employees of the organizational unit for which the list is established who have passed the examination for the class, ranked in order of their final examination scores.

(3) **Institution-wide promotional lists** shall contain the names of all permanent employees who have passed the examination for the class, ranked in order of their final examination scores.

(4) **Special employment program layoff lists** shall contain the names of permanent employees laid off, scheduled for layoff or removed from service within a class due to layoff conditions in special employment programs as provided in WAC 251-10-035 ranked in order of layoff seniority.

(5) **State-wide layoff lists** shall contain the names of permanent employees laid off or scheduled for layoff who have exercised their option per WAC 251-10-060, ranked in order of layoff seniority as provided in WAC 251-10-060(2).

(6) **Interinstitutional employee lists** shall contain the names of permanent employees of an institution or related board other than the one at which he/she is applying, who have passed the examination for the class, ranked in order of their final examination scores.

(7) **Intersystem employee lists** shall contain the names of permanent employees under the jurisdiction of chapter 41.06 RCW who have passed the examination for the class, ranked in order of their final examination scores.

(8) **Open competitive lists** shall contain the names of all other applicants who have passed the examination for the class, ranked in order of their final examination scores.

(9) **Noncompetitive lists** shall be established per WAC 251-18-015 and shall contain the names of applicants who meet the minimum qualifications and have passed the noncompetitive examination, if any, for the class, ranked by priority in time of filing application.

(10) For positions which meet the HEPB definitions of administrative, executive or professional employees, the personnel officer may combine the organizational unit promotional list, the institution-wide promotional list, the special employment program layoff list, the interinstitutional employee list, the intersystem employee list, the state-wide layoff list, and the open competitive list into a single eligible list:

(a) The combined list option must be specified in the recruitment notice for a class in order for the personnel officer to combine lists for positions in the class;

(b) The combined list shall contain the names of eligibles ranked in order of their final examination scores. Permanent employees of the institution shall have a five percent credit added to their final passing scores. [Statutory Authority: RCW 28B.16.100. 84-16-067 (Order 119), § 251-18-180, filed 7/31/84; 84-10-056 (Order 115), § 251-18-180, filed 5/2/84; 84-08-032 (Order 113), § 251-18-180, filed 3/30/84, effective 5/1/84; 84-02-042 (Order 110), § 251-18-180, filed 12/30/83, effective 2/1/84; Order 61, § 251-18-180, filed

8/30/77, effective 10/1/77; Order 46, § 251-18-180, filed 9/19/75; Order 44, § 251-18-180, filed 6/25/75; Order 32, § 251-18-180, filed 3/19/74; Order 21, § 251-18-180, filed 5/24/73; Order 12, § 251-18-180, filed 5/23/72, effective 6/25/72; Order 8, § 251-18-180, filed 6/17/71, effective 7/19/71; Order 6, § 251-18-180, filed 4/21/71, effective 5/25/71; Order 4, § 251-18-180, filed 2/19/71.]

**WAC 251-18-181 Repealed.** See Disposition Table at beginning of this chapter.

**WAC 251-18-185 Eligible lists--Tied scores--Certification.** When certification of all eligibles with the same final examination score would result in a certification of more than the number of eligibles specified in WAC 251-18-240(1), the personnel officer will certify the required number of eligibles from the tied score group using ranks determined by:

- (1) Random assignment; or
- (2) The documented qualifications of the eligibles for the particular position for which certification is being made; or
- (3) A combination of subsections (1) and (2) of this section. [Statutory Authority: RCW 28B.16.100. 85-16-038 (Order 134), § 251-18-185, filed 7/31/85, effective 9/1/85; Order 61, § 251-18-185, filed 8/30/77, effective 10/1/77; 85-16-038 (Order 134), § 251-18-185, filed 7/31/85, effective 9/1/85; Order 21, § 251-18-185, filed 5/24/73.]

**WAC 251-18-190 Eligible lists--Duration.** (1) The duration of eligibility on a list begins the date the name is placed on the list and ends as follows:

- (a) After two years on an institution-wide layoff list;
- (b) After one year on an organizational unit or institution-wide promotional list, special employment program layoff list, interinstitutional employee list, intersystem employee list, or state-wide layoff list;
- (c) After six months on an open competitive or non-competitive list.

(2) Prior to the original expiration date of a name on an institution-wide layoff list, an organizational unit promotional list, an institution-wide promotional list, a special employment program layoff list, an interinstitutional employee list, or an intersystem employee list, the eligible shall be notified of the expiration and given the opportunity to extend eligibility for one additional year by written request to the personnel officer.

(3) The personnel officer may extend an entire eligible list for the following periods:

- (a) Six months for open competitive and noncompetitive lists;
- (b) One year for all other lists.

(4) The personnel officer shall cancel the entire eligible list when the class or examination has been changed to the degree that the list would be invalid. All affected eligibles shall be notified of the cancellation. [Statutory Authority: RCW 28B.16.100. 85-04-019 (Order 123), § 251-18-190, filed 1/30/85; 84-10-056 (Order 115), § 251-18-190, filed 5/2/84; Order 61, § 251-18-190,

filed 8/30/77, effective 10/1/77; Order 32, § 251-18-190, filed 3/19/74; Order 21, § 251-18-190, filed 5/24/73; Order 4, § 251-18-190, filed 2/19/71.]

**WAC 251-18-200 Eligible lists--Removal of name--Notification.** (1) The personnel officer may remove a name from an eligible list for good and sufficient reason.

(2) Notification of the removal of a name according to subsection (1) of this section is not required where the person has:

- (a) Requested removal from the list in writing;
- (b) Failed to respond to a written inquiry within ten calendar days or to a telegraphed inquiry within three calendar days relative to availability for appointment;
- (c) Failed to notify the personnel office of a change of address;

(d) Been removed from a state-wide layoff list, an interinstitutional employee list, an intersystem employee list, an open-competitive or noncompetitive list due to expiration of eligibility; or

(e) Been removed from an eligible list due to expiration of an extension of eligibility in accordance with WAC 251-18-190(2).

(3) In all other cases, the affected person shall be notified of the specific reasons for removal from the eligible list and advised of the right to request a review by the personnel officer per subsection (4) of this section.

(4) A person whose name has been removed from an eligible list for reasons other than those listed in subsection (2) of this section may request in writing within ten calendar days of notification that the personnel officer restore the name to the list for the duration of eligibility.

(5) Within ten calendar days after receiving a request per subsection (4) of this section, the personnel officer will provide the person with written notification of the decision to:

- (a) Restore the name to the eligible list; or
- (b) Refuse to restore the name to the eligible list. In this case, the person shall also be advised of the right of appeal per WAC 251-18-145 (1)(d). [Statutory Authority: RCW 28B.16.100. 85-04-019 (Order 123), § 251-18-200, filed 1/30/85; 84-10-056 (Order 115), § 251-18-200, filed 5/2/84; 79-03-029 (Order 71), § 251-18-200, filed 2/27/79; Order 61, § 251-18-200, filed 8/30/77, effective 10/1/77; Order 3, § 251-18-200, filed 1/15/71.]

**WAC 251-18-230 Repealed.** See Disposition Table at beginning of this chapter.

**WAC 251-18-240 Certification--Method.** (1) Upon receipt of a personnel request, the personnel officer shall provide the following number of names to the employing official in writing:

(a) When there are names on the institution-wide layoff list for the class, a single name for each vacancy to be filled by the certification.

(b) When there are no names on the institution-wide layoff list for the class, four more names than there are vacancies to be filled by the certification.

(2) Names shall be certified in strict order of standing on the eligible list(s).

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

(a) Unless the personnel officer has established a combined eligible list in accordance with WAC 251-18-180(10):

- (i) Institution-wide layoff list;
- (ii) Organizational unit promotional list;
- (iii) Institution-wide promotional list;
- (iv) Special employment program layoff list;
- (v) State-wide layoff list;
- (vi) Interinstitutional employee list;
- (vii) Intersystem employee list;
- (viii) Open competitive or noncompetitive list.

(b) When the personnel officer has established a combined eligible list:

- (i) Institution-wide layoff list;
- (ii) Combined eligible list. [Statutory Authority: RCW 28B.16.100. 85-16-038 (Order 134), § 251-18-240, filed 7/31/85, effective 9/1/85; 84-16-067 (Order 119), § 251-18-240, filed 7/31/84; 84-10-056 (Order 115), § 251-18-240, filed 5/2/84; 82-16-002 (Order 98), § 251-18-240, filed 7/22/82, effective 9/1/82; 78-02-094 (Order 65), § 251-18-240, filed 1/30/78; Order 61, § 251-18-240, filed 8/30/77, effective 10/1/77; Order 57, § 251-18-240, filed 3/18/77, effective 4/18/77; Order 44, § 251-18-240, filed 6/25/75; Order 41, § 251-18-240, filed 3/17/75; Order 39, § 251-18-240, filed 12/24/74; Order 32, § 251-18-240, filed 3/19/74; Order 21, § 251-18-240, filed 5/24/73; Order 14, § 251-18-240, filed 6/18/72; Order 4, § 251-18-240, filed 2/19/71.]

**WAC 251-18-255 Certification--Specific position requirements.** (1) All specific position requirements shall be justified by a job analysis in accordance with WAC 251-18-010(2).

(2) When specific position requirements have been documented for a position, only the names of eligibles who have demonstrated a satisfactory level of knowledge, skill or ability on such specific position requirements shall be certified for that position. [Statutory Authority: RCW 28B.16.100. 85-16-038 (Order 134), § 251-18-255, filed 7/31/85, effective 9/1/85.]

**WAC 251-18-260 Certification--Incomplete.** When the number of names available for certification for a given vacancy is fewer than five, the employing official may make an appointment from the certification or decline to do so. [Statutory Authority: RCW 28B.16.100. 84-10-056 (Order 115), § 251-18-260, filed 5/2/84; 82-16-002 (Order 98), § 251-18-260, filed 7/22/82, effective 9/1/82; 78-06-068 (Order 68), § 251-18-260, filed 5/25/78, effective 7/1/78; Order 61, § 251-18-260, filed 8/30/77, effective 10/1/77; Order 3, § 251-18-260, filed 1/15/71.]

**WAC 251-18-265 Certification--Concurrent.** When more than one employing official submits a personnel request for certification for a class concurrently, the same names from the appropriate eligible list(s) will be certified to each official as required by WAC 251-18-240. [Statutory Authority: RCW 28B.16.100. 84-10-056 (Order 115), § 251-18-265, filed 5/2/84; 82-16-002 (Order 98), § 251-18-265, filed 7/22/82, effective 9/1/82; Order 61, § 251-18-265, filed 8/30/77, effective 10/1/77.]

**WAC 251-18-270 Certification--Interview of eligibles.** The employing official shall interview each eligible certified prior to making an appointment, except when the eligible waives the interview. [Statutory Authority: RCW 28B.16.100. 84-10-056 (Order 115), § 251-18-270, filed 5/2/84; Order 61, § 251-18-270, filed 8/30/77, effective 10/1/77; Order 38, § 251-18-270, filed 11/18/74; Order 3, § 251-18-270, filed 1/15/71.]

**WAC 251-18-285 Certification--Error--Correction.** When an error is made in the certification of names for a vacancy, the director or the personnel officer may invalidate a probationary or trial service appointment when the appointed eligible(s) would not be among those certified to the position upon correction of the error. [Statutory Authority: RCW 28B.16.100. 85-10-056 (Order 126), § 251-18-285, filed 5/1/85, effective 6/1/85.]

**WAC 251-18-320 Appointment--Probationary.** (1) Probationary appointment shall be made only upon appointment of eligibles from the:

- (a) Open-competitive or noncompetitive list.
- (b) Institution-wide layoff list - when the employee was in probationary status at the time of layoff.
- (c) State-wide layoff list.
- (d) Combined eligible list as provided in WAC 251-18-180(10) and 251-18-240 (3)(b)(ii) when the person appointed is neither a permanent employee of the institution nor an employee moving pursuant to WAC 251-18-347.

(2) The probationary period will continue for the length of time as determined under WAC 251-06-090, unless interrupted as provided in these rules. All positions in a class shall require the same probationary period. In the event an employee is on leave without pay for more than ten work days during the probationary period, the completion date of the probationary period shall be extended by an amount of time equal to the period of leave without pay.

(3) Qualified probationary employees may be reappointed during the probationary period to other classes. Upon such reappointment the following shall apply:

- (a) The employee shall begin a probationary period in the new class;
- (b) The salary in the new class shall be established as provided in WAC 251-08-080;
- (c) The former periodic increment date shall be abolished and a new periodic increment date established in the same manner as provided in WAC 251-08-100(2).

[Statutory Authority: RCW 28B.16.100. 84-16-067 (Order 119), § 251-18-320, filed 7/31/84; 84-08-032 (Order 113), § 251-18-320, filed 3/30/84, effective 5/1/84; 82-16-002 (Order 98), § 251-18-320, filed 7/22/82, effective 9/1/82; Order 61, § 251-18-320, filed 8/30/77, effective 10/1/77; Order 32, § 251-18-320, filed 3/19/74; Order 3, § 251-18-320, filed 1/15/71.]

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

(a) During the current period of employment at the institution, permanent status has been held in the class to which the employee is moving, or

(b) The class is lower in that same class series, or

(c) The employee is being reallocated per the provisions of WAC 251-06-080 (1)(a), or

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

(2) A trial service period of six months shall be required upon employee movement as specified in WAC 251-18-347.

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

(a) With preemptive rights to the former position in which permanent status was last held, or to a vacant position in that class (except when reversion is from a position the appointment to which was a result of disciplinary demotion or employee movement as specified in WAC 251-18-347). The personnel officer shall determine which position to preempt. However, if the employee was in a trial service appointment in another class prior to the current trial service period, the personnel officer may provide the employee the opportunity to complete the first interrupted trial service period.

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

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

(4) Reversion from trial service must be preceded by:

(a) Written notice detailing deficiencies in performance, which shall include the specific changes required; and

(b) A reasonable opportunity to overcome identified deficiencies.

(5) An employee who is reverted may appeal to the board regarding:

(a) Whether the employer complied with the requirements of WAC 251-18-330 (4)(a) and (b); and

(b) Whether the claimed deficiencies existed at the time of reversion.

(6) The board may uphold the reversion action, extend the trial service period, overturn the reversion, grant permanent status or order such other actions as may be determined appropriate pursuant to the best standards of personnel administration.

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

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

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

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

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

(c) Upon trial service appointment to a class at the same salary level, the salary and periodic increment date shall remain unchanged. [Statutory Authority: RCW 28B.16.100. 84-08-032 (Order 113), § 251-18-330, filed 3/30/84, effective 5/1/84; 81-22-065 (Order 91), § 251-18-330, filed 11/4/81; 81-15-003 (Order 88), § 251-18-330, filed 7/2/81; 78-02-094 (Order 65), § 251-18-330, filed 1/30/78; Order 61, § 251-18-330, filed 8/30/77, effective 10/1/77; Order 3, § 251-18-330, filed 1/15/71.]

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

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

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

(3) Transfer within a class at the institution.

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

(5) Conversion, per the provisions of WAC 251-18-420, of the incumbent of an exempt position which is converted to classified status, provided the incumbent has been employed for at least six months in the exempt position. [Statutory Authority: RCW 28B.16.100. 84-08-032 (Order 113), § 251-18-340, filed 3/30/84, effective 5/1/84; 82-16-002 (Order 98), § 251-18-340, filed 7/22/82, effective 9/1/82; 78-02-094 (Order 65), § 251-18-340, filed 1/30/78; Order 64, § 251-18-340, filed 12/23/77; Order 61, § 251-18-340, filed 8/30/77, effective 10/1/77; Order 3, § 251-18-340, filed 1/15/71.]

**WAC 251-18-347 Permanent classified employee movement between institutions/related boards or state agencies.** Permanent classified employees desiring to promote, transfer, laterally move, or voluntarily demote to positions at other institutions/related boards or state agencies will:

(1) Have the responsibility for communicating their desires in writing to potential receiving institutions/related boards or the department of personnel.

(2) Be required to pass the examination for the class administered by the receiving institution/related board or department of personnel.

(3) Have their names placed on the appropriate eligible list as provided in WAC 251-18-180 or corresponding department of personnel register.

(4) Be certified to employing official(s) as provided in WAC 251-18-240 or corresponding department of personnel rule.

(5) Serve a trial service period of six months. If the trial service period is not satisfactorily completed, the employee shall be placed on the institution-wide layoff list at the institution/related board from which he/she came or corresponding department of personnel register.

(6) Be unable to bump if laid off during such trial service period even though layoff seniority will move with employee to the new position.

(7) Retain vacation and sick leave balances. Vacation leave accrual rates shall be determined by appropriate higher education personnel board or department of personnel rules.

(8) Retain their former periodic increment date except upon promotion in accordance with WAC 251-08-100 (3)(a). [Statutory Authority: RCW 28B.16.100. 84-16-067 (Order 119), § 251-18-347, filed 7/31/84; 84-02-042 (Order 110), § 251-18-347, filed 12/30/83, effective 2/1/84.]

**WAC 251-18-350 Appointment--Temporary.** (1) Temporary appointment may be made only to meet employment conditions set forth in the definition of "temporary appointment" in WAC 251-04-020.

(2) Temporary appointment to perform work in the absence of an employee on leave for ninety or more consecutive calendar days shall be made following certification from appropriate eligible lists of eligibles who have indicated willingness to accept such temporary appointment. Employees appointed to classified positions in accordance with this subsection are covered by chapter 28B.16 RCW and Title 251 WAC. Temporary appointment made in accordance with this subsection is not limited to the one hundred seventy-nine consecutive calendar day limitation identified in WAC 251-04-020(3) and subsection (5) of this section.

(3) The employing official may temporarily assign a classified employee the duties and responsibilities of a higher-level class for a period of less than ninety consecutive calendar days. The salary shall be determined per WAC 251-08-110.

(4) Temporary appointment to positions identified in the definition of "temporary appointment" in WAC

251-04-020 (1)(a), (2), and (3) may be made without regard to the rules governing appointment.

(5) Upon prior approval of the director, a temporary appointment to a position identified in WAC 251-04-020 (1)(a) may be extended beyond the eighty-ninth day, however the total period of appointment shall not exceed one hundred seventy-nine consecutive calendar days.

(6) A permanent classified employee accepting temporary appointment to a position identified in the definition of "temporary appointment" in WAC 251-04-020 (1)(a), (2), and (3), shall retain and continue to receive all rights and benefits provided by these rules for the duration of the temporary appointment.

(7) At the conclusion of a temporary appointment of less than one hundred eighty consecutive calendar days, a permanent employee shall have the right to revert to his/her former position.

(8) Each institution shall file with the director a procedure which indicates their system for controlling and monitoring exempt positions as identified in RCW 28B.16.040(2). [Statutory Authority: RCW 28B.16.100. 84-16-067 (Order 119), § 251-18-350, filed 7/31/84; 82-04-069 (Order 93), § 251-18-350, filed 2/3/82; Order 61, § 251-18-350, filed 8/30/77, effective 10/1/77; Order 21, § 251-18-350, filed 5/24/73; Order 3, § 251-18-350, filed 1/15/71.]

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

(a) When it has been determined that the exempt position does not meet the criteria for exemption per WAC 251-04-040 (1), (8), (9), or (10) and thus is inappropriately exempt;

(b) When an organizational realignment has caused the exempt position to become inappropriately exempt by no longer meeting the criteria for exemption per WAC 251-04-040 (1), (8), (9), or (10); or

(c) When an institution elects to convert a position which has been exempt per the provisions of WAC 251-04-040(10).

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

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

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

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

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

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

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

(9) Layoff seniority for the incumbent shall be established based upon unbroken service at the institution. [Statutory Authority: RCW 28B.16.100. 85-16-038 (Order 134), § 251-18-420, filed 7/31/85, effective 9/1/85; 83-20-020 (Order 108), § 251-18-420, filed 9/23/83, effective 10/24/83; 79-03-029 (Order 71), § 251-18-420, filed 2/27/79; Order 64, § 251-18-420, filed 12/23/77.]

### Chapter 251-20 WAC

#### EMPLOYEE PERFORMANCE EVALUATION

##### WAC

251-20-010	Employee performance evaluation—Authority, purpose, use.
251-20-020	Employee performance evaluation—Forms.
251-20-030	Method of evaluation.
251-20-040	Employee performance evaluation—Procedure.
251-20-045	Repealed.
251-20-050	Employee performance evaluation—Appeal.

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

251-20-045	Annual performance evaluation—Distribution of ratings—Management employees. [Statutory Authority: RCW 28B.16.100. 84-16-067 (Order 119), § 251-20-045, filed 7/31/84.] Repealed by 85-20-049 (Order 136), filed 9/25/85. Statutory Authority: RCW 28B.16.100.
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**WAC 251-20-010 Employee performance evaluation—Authority, purpose, use.** (1) The rules contained in this chapter follow from the authority of the higher education personnel law, chapter 28B.16 RCW, which requires that standardized employee performance evaluation procedures and forms be used by institutions of higher education for the appraisal of employee job performance at least annually.

(2) Supervisors will conduct annual performance evaluations to record and inform employees regarding how well they have contributed to the fulfillment of institution and job objectives.

(3) Performance evaluation shall not be used to initiate personnel actions such as transfers, promotion, or discipline. [Statutory Authority: RCW 28B.16.100. 85-20-049 (Order 136), § 251-20-010, filed 9/25/85; 84-16-067 (Order 119), § 251-20-010, filed 7/31/84; 78-06-068 (Order 68), § 251-20-010, filed 5/25/78, effective 7/1/78.]

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

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

(3) The approved forms may be supplemented with other forms and/or information used by an institution to support the ratings recorded on the approved forms. [Statutory Authority: RCW 28B.16.100. 84-16-067 (Order 119), § 251-20-020, filed 7/31/84; 78-06-068 (Order 68), § 251-20-020, filed 5/25/78, effective 7/1/78.]

**WAC 251-20-030 Method of evaluation.** (1) Employee performance is to be rated for each "rating factor" on the approved form on the basis of performance expectations determined by the supervisor.

(2) Upon appointment to a position, the employee's supervisor will provide the employee with a copy of the following:

(a) The specification for the class.

(b) The employee's specific position duties and responsibilities which relate to the specification.

(3) Written performance expectations for each of the rating factors shall be provided to the employee in sufficient time to allow the employee to meet the work expectations (normally within thirty calendar days after appointment to an existing position and within ninety calendar days after appointment to a newly created or significantly modified position).

(4) The supervisor's performance expectations shall remain in effect for future evaluations unless action is taken to modify them and the employee has been provided with a copy of them.

(5) Each "rating factor" will be rated and recorded in one of the rating categories on the approved evaluation form. [Statutory Authority: RCW 28B.16.100. 85-20-049 (Order 136), § 251-20-030, filed 9/25/85; 84-16-067 (Order 119), § 251-20-030, filed 7/31/84; 81-15-021 (Order 89), § 251-20-030, filed 7/9/81, effective 8/10/81; 78-06-068 (Order 68), § 251-20-030, filed 5/25/78, effective 7/1/78.]

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

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

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

(4) A copy of the completed annual evaluation form will be provided to the employee upon request.

(5) Performance evaluations shall be retained in the employee's file for no more than three years. [Statutory Authority: RCW 28B.16.100. 85-20-049 (Order 136), § 251-20-040, filed 9/25/85; 84-16-067 (Order 119), § 251-20-040, filed 7/31/84; 81-15-021 (Order 89), § 251-20-040, filed 7/9/81, effective 8/10/81; 78-06-068 (Order 68), § 251-20-040, filed 5/25/78, effective 7/1/78.]

**WAC 251-20-045 Repealed.** See Disposition Table at beginning of this chapter.

**WAC 251-20-050 Employee performance evaluation--Appeal.** An appeal against action under this chapter shall be restricted to allegations of irregularities in the use of the approved form and/or the procedures outlined in WAC 251-20-010, 251-20-020, 251-20-030, and 251-20-040, as provided in WAC 251-12-075. [Statutory Authority: RCW 28B.16.100. 85-22-022 (Order 141), § 251-20-050, filed 10/30/85, effective 12/1/85; 84-16-067 (Order 119), § 251-20-050, filed 7/31/84; 81-15-021 (Order 89), § 251-20-050, filed 7/9/81, effective 8/10/81; 78-06-068 (Order 68), § 251-20-050, filed 5/25/78, effective 7/1/78.]

## Chapter 251-22 WAC HOLIDAYS--LEAVE

### WAC

251-22-040	Holidays.
251-22-060	Vacation leave--Accrual.
251-22-070	Vacation leave--Use.
251-22-090	Vacation leave--Cash payment.
251-22-091	Repealed.
251-22-200	Leave of absence without pay.

### DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

251-22-091	Vacation leave--Separation. [Statutory Authority: RCW 28B.16.100. 83-20-020 (Order 108), § 251-22-091, filed 9/23/83, effective 10/24/83; 82-19-067 (Order 102), § 251-22-091, filed 9/20/82, effective 10/25/82.] Repealed by 84-12-047 (Order 117), filed 6/1/84. Statutory Authority: RCW 28B.16.100.
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**WAC 251-22-040 Holidays.** (1) Legal holidays are designated by statute. The following holidays are identified per RCW 1.16.050:

- (a) The first day of January (New Year's Day);
- (b) The third Monday of January (Martin Luther King, Jr.'s birthday);
- (c) The third Monday of February (President's Day);
- (d) The last Monday of May (Memorial Day);
- (e) The fourth day of July (Independence Day);
- (f) The first Monday in September (Labor Day);
- (g) The eleventh day of November, (Veteran's Day);
- (h) The fourth Thursday of November (Thanksgiving Day);
- (i) The day immediately following Thanksgiving Day; and

(j) The twenty-fifth day of December (Christmas Day).

Each higher education institution will provide qualifying employees in pay status with a paid holiday on the above days. However, the governing board of each institution, and in the case of the community college system through the state board for community college education, may designate other days to be observed in lieu of the above holidays. Holiday schedules must be filed annually with the director for approval prior to implementation and may not be modified without prior approval by the director. Schedules may be submitted on a calendar or fiscal year basis. When an institution establishes an in lieu of schedule, paid holidays shall be granted based on the approved in lieu of schedule.

(2) Classified employees working twelve-month schedules or cyclic year position employees who work full monthly schedules throughout their work year shall receive the number of holidays for which they qualify during their scheduled work year as set forth in this section. Qualification is determined by being in pay status on the work day preceding the holiday(s).

(3) Cyclic year position employees scheduled to work less than full monthly schedules throughout their work year qualify for holiday compensation if they work or are in pay status on their last regularly scheduled working day preceding the holiday(s) in that month.

(4) Part time classified employees shall be entitled to the number of paid hours on a holiday that their monthly schedule bears to a full time schedule.

(5) Full time alternate work schedule employees shall receive eight hours of regular holiday pay per holiday. Any differences between the scheduled shift for the day and eight hours may be adjusted by use of vacation leave, use or accumulation of compensatory time as appropriate, or leave without pay.

(6) When a holiday falls on an employee's regularly scheduled day off, he/she shall receive a day of compensatory time off.

(7) Holiday time worked shall be compensated as provided in WAC 251-09-035.

(8) Whenever a holiday falls on Sunday, the following Monday shall be considered a nonworking or legal holiday. When a holiday falls on Saturday, the preceding Friday shall be considered a nonworking or legal holiday.

(9) Employees terminating immediately prior to a holiday do not qualify for holidays occurring after termination.

(10) Employees shall be entitled to one paid personal holiday per calendar year in addition to those specified in this section as provided in WAC 251-22-045. [Statutory Authority: RCW 28B.16.100. 85-16-038 (Order 134), § 251-22-040, filed 7/31/85, effective 9/1/85; 83-20-020 (Order 108), § 251-22-040, filed 9/23/83, effective 10/24/83; 83-10-029 (Order 105), § 251-22-040, filed 4/29/83, effective 6/1/83; Order 61, § 251-22-040, filed 8/30/77, effective 10/1/77; Order 60, § 251-22-040, filed 7/18/77; Order 55, § 251-22-040, filed 6/1/76; Order 42, § 251-22-040, filed 5/23/75; Order 41, § 251-22-040, filed 3/17/75; Order 29, §



251-22-040, filed 1/22/74; Order 8, § 251-22-040, filed 6/17/71, effective 7/19/71; Order 3, § 251-22-040, filed 1/15/71.]

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

(a) During the first year of continuous state employment - 12 days (8.0 hours per month);

(b) During the 2nd year of continuous state employment - 13 days (8 hours, 40 minutes per month);

(c) During the 3rd and 4th years of continuous state employment - 14 days (9 hours, 20 minutes per month);

(d) During the 5th through the 9th years of total state employment - 15 days (10 hours per month);

(e) During the 10th year of total state employment - 16 days (10 hours, 40 minutes per month);

(f) During the 11th year of total state employment - 17 days (11 hours, 20 minutes per month);

(g) During the 12th year of total state employment - 18 days (12 hours per month);

(h) During the 13th year of total state employment - 19 days (12 hours, 40 minutes per month);

(i) During the 14th year of total state employment - 20 days (13 hours, 20 minutes per month);

(j) During the 15th year of total state employment - 21 days (14 hours per month);

(k) During the 16th and succeeding years of total state employment - 22 days (14 hours, 40 minutes per month).

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

(3) Per the provisions of WAC 251-18-381(2), the scheduled period of cyclic year position leave of absence without pay shall not be deducted for purposes of computing the rate of vacation leave accrual for cyclic year position employees.

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

(a) Employment in the legislative and/or the judicial branch shall not be credited;

(b) Employment exempt by the provisions of WAC 251-04-040(4) or employment under the state personnel board jurisdiction which is analogous to the conditions specified in WAC 251-04-040(4) shall not be credited;

(c) Each contract year of full time faculty and/or administrative exempt employment within the higher education institutions shall be credited as a year of qualifying service;

(d) Employment in part time classified positions shall be credited as full time service.

(5) Vacation leave credits shall not accrue during a leave of absence without pay which exceeds ten working days in any calendar month, nor shall credit be given toward the rate of vacation leave accrual. [Statutory Authority: RCW 28B.16.100. 85-16-038 (Order 134), § 251-22-060, filed 7/31/85, effective 9/1/85; 83-20-

020 (Order 108), § 251-22-060, filed 9/23/83, effective 10/24/83; 83-10-029 (Order 105), § 251-22-060, filed 4/29/83, effective 6/1/83; 79-03-029 (Order 71), § 251-22-060, filed 2/27/79, effective 4/2/79; Order 61, § 251-22-060, filed 8/30/77, effective 10/1/77; Order 49, § 251-22-060, filed 1/16/76; Order 47, § 251-22-060, filed 11/19/75; Order 23, § 251-22-060, filed 6/20/73, effective 1/1/74; Order 16, § 251-22-060, filed 7/27/72, effective 7/1/73.]

**WAC 251-22-070 Vacation leave--Use.** (1) Vacation leave may not be taken until an employee has completed six months of continuous employment. An employee bringing an accrued balance from another state agency may use the previously accrued vacation leave during the institutional probationary or trial service period.

(2) All requests for vacation leave must be approved by the employing official or designee in advance of the effective date.

(3) Vacation leave shall be scheduled by the employing department at a time most convenient to the work of the department, the determination of which shall rest with the employing official. As far as possible, leave will be scheduled in accordance with the wishes of the employee in any amount up to the total of his/her earned leave credits.

(4) Paid vacation leave may not be used in advance of its accrual. [Statutory Authority: RCW 28B.16.100. 84-08-032 (Order 113), § 251-22-070, filed 3/30/84, effective 5/1/84; 83-20-020 (Order 108), § 251-22-070, filed 9/23/83, effective 10/24/83; Order 61, § 251-22-070, filed 8/30/77, effective 10/1/77; Order 3, § 251-22-070, filed 1/15/71.]

**WAC 251-22-090 Vacation leave--Cash payment.** Classified employees who have completed six continuous months of employment and who separate from service by resignation, layoff, dismissal, retirement or death are entitled to a lump sum cash payment for all unused vacation leave. In the case of voluntary resignation, an employee may be required to provide fourteen calendar days' notice to qualify for such lump sum cash payment. Vacation leave payable under WAC 251-22-080 and this section shall be computed and paid as prescribed by the office of financial management. No contributions are to be made to the department of retirement systems for lump sum payment of excess vacation leave accumulated as prescribed in WAC 251-22-080(2), nor shall such payment be reported to the department of retirement systems as compensation. [Statutory Authority: RCW 28B.16.100. 85-22-023 (Order 142), § 251-22-090, filed 10/30/85, effective 12/1/85; 85-16-038 (Order 134), § 251-22-090, filed 7/31/85, effective 9/1/85; 84-12-047 (Order 117), § 251-22-090, filed 6/1/84; 83-20-020 (Order 108), § 251-22-090, filed 9/23/83, effective 10/24/83; 82-19-067 (Order 102), § 251-22-090, filed 9/20/82, effective 10/25/82; Order 61, § 251-22-090, filed 8/30/77, effective 10/1/77; Order 3, § 251-22-090, filed 1/15/71.]

**WAC 251-22-091 Repealed.** See Deposition Table at beginning of this chapter.

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

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

- (a) Conditions applicable for leave with pay;
- (b) Maternity leave;
- (c) Educational leave;
- (d) Leave for government service in the public interest;

(e) To accommodate annual work schedules of employees occupying cyclic year positions as specified in WAC 251-18-381.

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

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

(4) Vacation leave and sick leave credits will not accrue during a leave of absence without pay which exceeds ten working days in any calendar month.

(5) A classified employee taking an appointment to an exempt position shall be granted a leave of absence without pay, with the right to return to his/her regular position, or to a like position at the conclusion of the exempt appointment; provided application for return to classified status must be made not more than thirty calendar days following the conclusion of the exempt appointment. [Statutory Authority: RCW 28B.16.100. 85-16-038 (Order 134), § 251-22-200, filed 7/31/85, effective 9/1/85; 84-12-047 (Order 117), § 251-22-200, filed 6/1/84; 83-20-020 (Order 108), § 251-22-200, filed 9/23/83, effective 10/24/83; 83-10-029 (Order 105), § 251-22-200, filed 4/29/83, effective 6/1/83; 82-16-002 (Order 98), § 251-22-200, filed 7/22/82, effective 9/1/82; 78-06-068 (Order 68), § 251-22-200, filed 5/25/78, effective 7/1/78; Order 61, § 251-22-200, filed 8/30/77, effective 10/1/77; Order 12, § 251-22-200, filed 5/23/72, effective 6/25/72; Order 3, § 251-22-200, filed 1/15/71.]

**Title 253 WAC**

**HIGHER EDUCATION FACILITIES  
AUTHORITY**

**Chapters**

- 253-02** Organization, operations and procedures.
- 253-12** Public records.
- 253-16** Procedures and fees for preparation and processing of applications for authority assistance.

**Chapter 253-02 WAC**

**ORGANIZATION, OPERATIONS AND  
PROCEDURES**

**WAC**

- 253-02-010 Purpose.
- 253-02-020 Rules of interpretation.
- 253-02-030 Definitions.
- 253-02-040 Description of organization.
- 253-02-050 Operations and procedures.

**WAC 253-02-010 Purpose.** The purpose of this chapter shall be to ensure compliance by the Washington higher education facilities authority with the provisions of chapter 42.17 RCW (Initiative 276), and chapter 34.04 RCW. [Statutory Authority: RCW 28B.07.040. 84-24-012 (Order 3), § 253-02-010, filed 11/27/84.]

**WAC 253-02-020 Rules of interpretation.** (1) All adjectives and adverbs, including but not limited to the words "adequate," "approved," "qualified," "reasonable," "reputable," "satisfactory," "sufficiently," and "suitable," as used in this title to qualify a person, procedure, process or otherwise shall be as determined by the authority or its designee.

(2) Where the word "shall" is used in this title, the subject rule or action to which the word relates is mandatory.

(3) Where the word "should" is used in this title, it indicates suggestion or recommendation but not a requirement.

(4) Where the word "may" is used in this title, the action or rule to which the word relates is permissive or discretionary.

(5) Words importing the singular number may also be applied to the plural of persons and things; words importing the plural may be applied to the singular; and words importing the masculine gender or relating to a man may also be extended to the feminine gender and be considered to relate equally to a woman. [Statutory Authority: RCW 28B.07.040. 84-24-012 (Order 3), § 253-02-020, filed 11/27/84.]

**WAC 253-02-030 Definitions.** (1) "Act" means chapter 169, Laws of 1983, and chapter 28B.07 RCW.

(2) "Washington higher education facilities authority" and "authority" each mean the corporate and politic public body created by the act and also refer to the staff and employees of the authority.

The terms defined in the act shall have the same meaning when used in this title. [Statutory Authority: RCW 28B.07.040. 84-24-012 (Order 3), § 253-02-030, filed 11/27/84.]

**WAC 253-02-040 Description of organization.** (1) The authority is a public entity established under the provisions of chapter 28B.07 RCW, which exercises essential governmental functions.

(2) Members. The authority shall consist of seven members as follows: The governor, lieutenant governor,