

shall exercise the rights of the commission under a bond or damage deposit to pay the additional fees and so inform a film maker. [Statutory Authority: RCW 43.51-.040, 84-20-070 (Order 82), § 352-74-070, filed 10/2/84.]

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Chapter 356-05 WAC DEFINITIONS

WAC

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DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

356-05-213	Management employee. [Statutory Authority: RCW 41.06.150, 41.06.175, 41.06.185, 41.06.195 and 41.06.205. 84-17-042 (Order 209), § 356-05-213, filed 8/10/84.] Repealed by 85-19-078 (Order 230), filed 9/18/85. Statutory Authority: RCW 41.06.150.
356-05-222	Nonmanagement employee. [Statutory Authority: RCW 41.06.150, 41.06.175, 41.06.185, 41.06.195 and 41.06.205. 84-17-042 (Order 209), § 356-05-222, filed 8/10/84.] Repealed by 85-19-078 (Order 230), filed 9/18/85. Statutory Authority: RCW 41.06.150.

Reviser's note: The definitions in chapter 356-05 WAC (Order 209, filed August 10, 1984) were formerly filed as WAC 356-06-010 which was repealed by the same order.

WAC 356-05-001 Chapter purpose. The definitions outlined in this chapter apply throughout these rules unless the context clearly indicates another meaning. [Statutory Authority: RCW 41.06.150, 41.06.175, 41.06.185, 41.06.195 and 41.06.205. 84-17-042 (Order 209), § 356-05-001, filed 8/10/84.]

WAC 356-05-005 Acting appointment. An appointment of limited duration made from within the classified service to a supervisory or managerial position. [Statutory Authority: RCW 41.06.150, 41.06.175, 41.06.185, 41.06.195 and 41.06.205. 84-17-042 (Order 209), § 356-05-005, filed 8/10/84.]

WAC 356-05-010 Administrative personnel. Employees who regularly exercise discretion and independent judgment in the performance of: (1) Work related directly to management policy; or (2) work providing direct assistance to executive or administrative personnel. [Statutory Authority: RCW 41.06.150, 41.06.175, 41.06.185, 41.06.195 and 41.06.205. 84-17-042 (Order 209), § 356-05-010, filed 8/10/84.]

WAC 356-05-015 Agency. An office, department, board, commission, or other separate unit or division, however designated, of the state government and all personnel thereof. It includes any unit of state government established by law, the executive officer or members of which are either elected or appointed, upon which the statutes confer powers and impose duties in connection with operations of either a governmental or proprietary nature. [Statutory Authority: RCW 41.06.150, 41.06.175, 41.06.185, 41.06.195 and 41.06.205. 84-17-042 (Order 209), § 356-05-015, filed 8/10/84.]

WAC 356-05-020 Agricultural personnel. Employees performing work which includes farming and all its branches, including cultivating the soil, or growing or harvesting crops, or raising livestock, bees, fur-bearing animals, or poultry; or doing any practices performed by a farmer or on a farm as an incident to or in conjunction with such farming operations. [Statutory Authority: RCW 41.06.150, 41.06.175, 41.06.185, 41.06.195 and 41.06.205. 84-17-042 (Order 209), § 356-05-020, filed 8/10/84.]

WAC 356-05-025 Allied register. A register for a class for which the duties and minimum or desirable qualifications are equivalent to or above those for another class. [Statutory Authority: RCW 41.06.150, 41.06.175, 41.06.185, 41.06.195 and 41.06.205. 84-17-042 (Order 209), § 356-05-025, filed 8/10/84.]

WAC 356-05-030 Allocation. The assignment of a position to a job classification. [Statutory Authority: RCW 41.06.150, 41.06.175, 41.06.185, 41.06.195 and

41.06.205. 84-17-042 (Order 209), § 356-05-030, filed 8/10/84.]

WAC 356-05-035 Anniversary date. Original entry date into state service as adjusted by leave without pay or break in service. [Statutory Authority: RCW 41.06.150, 41.06.175, 41.06.185, 41.06.195 and 41.06.205. 84-17-042 (Order 209), § 356-05-035, filed 8/10/84.]

WAC 356-05-040 Appointing authority. A person or group of persons lawfully authorized to make appointments. [Statutory Authority: RCW 41.06.150, 41.06.175, 41.06.185, 41.06.195 and 41.06.205. 84-17-042 (Order 209), § 356-05-040, filed 8/10/84.]

WAC 356-05-045 Bargaining unit. The group of employees in positions determined by the personnel board to constitute a unit appropriate for collective bargaining purposes under these rules. [Statutory Authority: RCW 41.06.150, 41.06.175, 41.06.185, 41.06.195 and 41.06.205. 84-17-042 (Order 209), § 356-05-045, filed 8/10/84.]

WAC 356-05-050 Basic salary. The dollar amount of the step of the salary range to which the employee is entitled, before any deduction, and exclusive of additional compensation of any kind. [Statutory Authority: RCW 41.06.150. 85-05-030 (Order 217), § 356-05-050, filed 2/15/85. Statutory Authority: RCW 41.06.150, 41.06.175, 41.06.185, 41.06.195 and 41.06.205. 84-17-042 (Order 209), § 356-05-050, filed 8/10/84.]

WAC 356-05-055 Board. The state personnel board. [Statutory Authority: RCW 41.06.150, 41.06.175, 41.06.185, 41.06.195 and 41.06.205. 84-17-042 (Order 209), § 356-05-055, filed 8/10/84.]

WAC 356-05-060 Bumping. The replacement of an incumbent by another employee subject to reduction in force, who has greater seniority. [Statutory Authority: RCW 41.06.150, 41.06.175, 41.06.185, 41.06.195 and 41.06.205. 84-17-042 (Order 209), § 356-05-060, filed 8/10/84.]

WAC 356-05-065 Career planning. A programmed process designed to assist employee career growth through job experience, training and/or continuing education. [Statutory Authority: RCW 41.06.150, 41.06.175, 41.06.185, 41.06.195 and 41.06.205. 84-17-042 (Order 209), § 356-05-065, filed 8/10/84.]

WAC 356-05-070 Certification. Providing an agency with the appropriate number of names of candidates who have passed the examination for a given class and are eligible to be considered for vacancies. [Statutory Authority: RCW 41.06.150, 41.06.175, 41.06.185, 41.06.195 and 41.06.205. 84-17-042 (Order 209), § 356-05-070, filed 8/10/84.]

WAC 356-05-075 Class. Identification of a position, or a group of positions, sufficiently similar in duties so that the same requirements of training, experience, or

skill and the same title, examination, and salary range may be applied. [Statutory Authority: RCW 41.06.150, 41.06.175, 41.06.185, 41.06.195 and 41.06.205. 84-17-042 (Order 209), § 356-05-075, filed 8/10/84.]

WAC 356-05-080 Classified service. All positions and employees in the state service subject to the provisions of chapter 41.06 RCW and these rules. [Statutory Authority: RCW 41.06.150, 41.06.175, 41.06.185, 41.06.195 and 41.06.205. 84-17-042 (Order 209), § 356-05-080, filed 8/10/84.]

WAC 356-05-085 Collective bargaining or collective negotiation. The performance of the mutual obligation of the appointing authority, or designee, and the certified exclusive representative of a bargaining unit to meet in an attempt to reach an agreement on all personnel matters over which the appointing authority may lawfully exercise discretion. [Statutory Authority: RCW 41.06.150, 41.06.175, 41.06.185, 41.06.195 and 41.06.205. 84-17-042 (Order 209), § 356-05-085, filed 8/10/84.]

WAC 356-05-090 Compensatory time. Time off in lieu of cash payment for overtime. [Statutory Authority: RCW 41.06.150, 41.06.175, 41.06.185, 41.06.195 and 41.06.205. 84-17-042 (Order 209), § 356-05-090, filed 8/10/84.]

WAC 356-05-095 Competitive service. All positions in the classified service for which a competitive examination is required as a condition precedent to appointment. [Statutory Authority: RCW 41.06.150, 41.06.175, 41.06.185, 41.06.195 and 41.06.205. 84-17-042 (Order 209), § 356-05-095, filed 8/10/84.]

WAC 356-05-100 Date of election. The date of election is the date the director of personnel certifies the results of the election. [Statutory Authority: RCW 41.06.150, 41.06.175, 41.06.185, 41.06.195 and 41.06.205. 84-17-042 (Order 209), § 356-05-100, filed 8/10/84.]

WAC 356-05-105 Demotion. A change of a permanent employee from a position in one class to a position in another class having a lower maximum salary. [Statutory Authority: RCW 41.06.150, 41.06.175, 41.06.185, 41.06.195 and 41.06.205. 84-17-042 (Order 209), § 356-05-105, filed 8/10/84.]

WAC 356-05-110 Desirable qualifications. The levels of education and/or experience deemed desirable or preferable for admission to the examination in lieu of fixed minimum qualifications. [Statutory Authority: RCW 41.06.150, 41.06.175, 41.06.185, 41.06.195 and 41.06.205. 84-17-042 (Order 209), § 356-05-110, filed 8/10/84.]

WAC 356-05-115 Director. The director of the department of personnel. [Statutory Authority: RCW 41.06.150, 41.06.175, 41.06.185, 41.06.195 and 41.06.205. 84-17-042 (Order 209), § 356-05-115, filed 8/10/84.]

WAC 356-05-120 Disability. An employee's physical and/or mental inability to perform adequately the essential duties of the job class. (For purposes of WAC 356-35-010, this definition shall not include maternity.) [Statutory Authority: RCW 41.06.150. 84-23-059 (Order 211), § 356-05-120, filed 11/20/84. Statutory Authority: RCW 41.06.150, 41.06.175, 41.06.185, 41.06.195 and 41.06.205. 84-17-042 (Order 209), § 356-05-120, filed 8/10/84.]

WAC 356-05-125 Dismissal. The termination of employment of a permanent employee (for cause) or of a probationary employee as specified in these rules. [Statutory Authority: RCW 41.06.150, 41.06.175, 41.06.185, 41.06.195 and 41.06.205. 84-17-042 (Order 209), § 356-05-125, filed 8/10/84.]

WAC 356-05-130 Education leave of absence. An authorized leave of absence for educational purposes. [Statutory Authority: RCW 41.06.150, 41.06.175, 41.06.185, 41.06.195 and 41.06.205. 84-17-042 (Order 209), § 356-05-130, filed 8/10/84.]

WAC 356-05-135 Elevation. Restoring an employee to the higher classification, with permanent status, which was held prior to being granted a demotion. [Statutory Authority: RCW 41.06.150, 41.06.175, 41.06.185, 41.06.195 and 41.06.205. 84-17-042 (Order 209), § 356-05-135, filed 8/10/84.]

WAC 356-05-140 Eligible. An applicant whose name is on a register. [Statutory Authority: RCW 41.06.150, 41.06.175, 41.06.185, 41.06.195 and 41.06.205. 84-17-042 (Order 209), § 356-05-140, filed 8/10/84.]

WAC 356-05-145 Emergency appointment. An appointment, for emergency reasons, not to exceed 60 calendar days. [Statutory Authority: RCW 41.06.150, 41.06.175, 41.06.185, 41.06.195 and 41.06.205. 84-17-042 (Order 209), § 356-05-145, filed 8/10/84.]

WAC 356-05-150 Employee. Any person employed under the jurisdiction of these rules. [Statutory Authority: RCW 41.06.150, 41.06.175, 41.06.185, 41.06.195 and 41.06.205. 84-17-042 (Order 209), § 356-05-150, filed 8/10/84.]

WAC 356-05-155 Employee organization. Any organization having the authority, as specified in WAC 356-42-010, to represent state employees on personnel matters. [Statutory Authority: RCW 41.06.150, 41.06.175, 41.06.185, 41.06.195 and 41.06.205. 84-17-042 (Order 209), § 356-05-155, filed 8/10/84.]

WAC 356-05-160 Exchange time. Equal time off for excess hours worked by exceptions work period employees. [Statutory Authority: RCW 41.06.150, 41.06.175, 41.06.185, 41.06.195 and 41.06.205. 84-17-042 (Order 209), § 356-05-160, filed 8/10/84.]

WAC 356-05-165 Executive personnel. (As used in chapter 15 of these rules) Employees who customarily

and regularly exercise discretionary powers in directing and controlling program operations of an agency or division or customarily recognized subdivision thereof and personnel who are responsible for (1) hiring or firing or making substantial recommendation for same and (2) directing the work of and (3) regulating the working hours of two or more employees. [Statutory Authority: RCW 41.06.150, 41.06.175, 41.06.185, 41.06.195 and 41.06.205. 84-17-042 (Order 209), § 356-05-165, filed 8/10/84.]

WAC 356-05-170 Exempt position. Any position designated as exempt from the application of these rules as specified in WAC 356-06-020. [Statutory Authority: RCW 41.06.150, 41.06.175, 41.06.185, 41.06.195 and 41.06.205. 84-17-042 (Order 209), § 356-05-170, filed 8/10/84.]

WAC 356-05-175 Full-time employment. Regularly scheduled employment requiring an average of 40 hours of work per week. However, for certification from a register, work between 32 - 40 hours per week shall be considered full time. [Statutory Authority: RCW 41.06.150, 41.06.175, 41.06.185, 41.06.195 and 41.06.205. 84-17-042 (Order 209), § 356-05-175, filed 8/10/84.]

WAC 356-05-180 Handicapped. Persons with physical, mental or sensory impairments that would impede that individual in obtaining and maintaining permanent employment and promotional opportunities. The impairments must be material rather than slight; static and permanent in that they are seldom fully corrected by medical replacement, therapy or surgical means. [Statutory Authority: RCW 41.06.150, 41.06.175, 41.06.185, 41.06.195 and 41.06.205. 84-17-042 (Order 209), § 356-05-180, filed 8/10/84.]

WAC 356-05-185 Holidays. Paid nonwork days for state employees as established by RCW 1.16.050. [Statutory Authority: RCW 41.06.150, 41.06.175, 41.06.185, 41.06.195 and 41.06.205. 84-17-042 (Order 209), § 356-05-185, filed 8/10/84.]

WAC 356-05-190 Housed personnel. Employees whose duties require that they reside at the place of their employment or who otherwise spend a substantial portion of their work time subject to call and not engaged in the performance of active duties. [Statutory Authority: RCW 41.06.150, 41.06.175, 41.06.185, 41.06.195 and 41.06.205. 84-17-042 (Order 209), § 356-05-190, filed 8/10/84.]

WAC 356-05-195 Human resource development. The function of achieving agency goals by changing or enhancing employees' knowledges, skills, attitudes and behaviors. [Statutory Authority: RCW 41.06.150, 41.06.175, 41.06.185, 41.06.195 and 41.06.205. 84-17-042 (Order 209), § 356-05-195, filed 8/10/84.]

WAC 356-05-200 Intermittent employment. Employment without any understanding of continuity, fitting no particular pattern and performed for no more

than a total of (nine months) 1560 hours during any consecutive 12-month period. [Statutory Authority: RCW 41.06.150, 41.06.175, 41.06.185, 41.06.195 and 41.06.205. 84-17-042 (Order 209), § 356-05-200, filed 8/10/84.]

WAC 356-05-205 Intervening salary steps. All increment steps in a salary range, except the lowest and highest. [Statutory Authority: RCW 41.06.150, 41.06.175, 41.06.185, 41.06.195 and 41.06.205. 84-17-042 (Order 209), § 356-05-205, filed 8/10/84.]

WAC 356-05-210 Law enforcement personnel. Employees empowered by statute to enforce laws designed to maintain public peace and order, protect life and property, and detect and prevent crimes. Employees in these positions must have the power of arrest, and have been trained in rules of evidence, laws of arrest, search and seizure and legal rights of citizens. [Statutory Authority: RCW 41.06.150, 41.06.175, 41.06.185, 41.06.195 and 41.06.205. 84-17-042 (Order 209), § 356-05-210, filed 8/10/84.]

WAC 356-05-211 Leadworker. An employee assigned responsibility by management to receive and convey directions to fellow employees, take the lead in performing assigned tasks and ensure that such tasks are properly completed. This is distinguished from a journey level employee who occasionally is required to assist with training and direction of less experienced employees while performing the assigned journey tasks. Leadership functions performed are secondary to the production duties performed. [Statutory Authority: RCW 41.06.150, 85-15-043 (Order 228), § 356-05-211, filed 7/15/85.]

WAC 356-05-213 Repealed. See Disposition Table at beginning of this chapter.

WAC 356-05-215 Minimum qualifications. The training, experience, and other qualifications established for a given class and required of an applicant for admission to the examination for that class. [Statutory Authority: RCW 41.06.150, 41.06.175, 41.06.185, 41.06.195 and 41.06.205. 84-17-042 (Order 209), § 356-05-215, filed 8/10/84.]

WAC 356-05-220 Noncompetitive positions. Positions designated by the board as not requiring a competitive examination. [Statutory Authority: RCW 41.06.150, 41.06.175, 41.06.185, 41.06.195 and 41.06.205. 84-17-042 (Order 209), § 356-05-220, filed 8/10/84.]

WAC 356-05-222 Repealed. See Disposition Table at beginning of this chapter.

WAC 356-05-225 Orientation. An introduction to the organization and to tasks, jobs, procedures and other activities new to the employee. [Statutory Authority: RCW 41.06.150, 41.06.175, 41.06.185, 41.06.195 and 41.06.205. 84-17-042 (Order 209), § 356-05-225, filed 8/10/84.]

WAC 356-05-230 Overtime. Work authorized and performed in accordance with WAC 356-15-030. [Statutory Authority: RCW 41.06.150, 41.06.175, 41.06.185, 41.06.195 and 41.06.205. 84-17-042 (Order 209), § 356-05-230, filed 8/10/84.]

WAC 356-05-235 Part-time employment. Work of less than 40 hours per week. However, for certification from registers, work of less than 32 hours per week shall be considered part time. [Statutory Authority: RCW 41.06.150, 41.06.175, 41.06.185, 41.06.195 and 41.06.205. 84-17-042 (Order 209), § 356-05-235, filed 8/10/84.]

WAC 356-05-240 Periodic increment date. The date established in accordance with the merit system rule on which an employee is entitled to a salary increase within a salary range as prescribed in the merit system rules. [Statutory Authority: RCW 41.06.150, 85-19-078 (Order 230), § 356-05-240, filed 9/18/85. Statutory Authority: RCW 41.06.150, 41.06.175, 41.06.185, 41.06.195 and 41.06.205. 84-17-042 (Order 209), § 356-05-240, filed 8/10/84.]

WAC 356-05-245 Permanent employee. An employee who has successfully completed a probationary period and has had no break in service. [Statutory Authority: RCW 41.06.150, 41.06.175, 41.06.185, 41.06.195 and 41.06.205. 84-17-042 (Order 209), § 356-05-245, filed 8/10/84.]

WAC 356-05-250 Personnel record. Such information having pertinence to the employment of an employee and which is retained in a specific location as required by WAC 356-46-060 (2)A. [Statutory Authority: RCW 41.06.150, 41.06.175, 41.06.185, 41.06.195 and 41.06.205. 84-17-042 (Order 209), § 356-05-250, filed 8/10/84.]

WAC 356-05-300 Position. A group of duties and responsibilities normally assigned to an employee. Such position may be filled or vacant, full time or part time, seasonal, temporary or permanent. [Statutory Authority: RCW 41.06.150, 41.06.175, 41.06.185, 41.06.195 and 41.06.205. 84-17-042 (Order 209), § 356-05-300, filed 8/10/84.]

WAC 356-05-305 Premium payment. Wage payment over and above the basic salary rate authorized by the board for extraordinary conditions of employment. [Statutory Authority: RCW 41.06.150, 41.06.175, 41.06.185, 41.06.195 and 41.06.205. 84-17-042 (Order 209), § 356-05-305, filed 8/10/84.]

WAC 356-05-310 Probationary period. The trial period of employment following certification and appointment to, or reemployment in, the classified service and continuing for 6 to 12 months as determined under the provisions of WAC 356-30-260. [Statutory Authority: RCW 41.06.150, 41.06.175, 41.06.185, 41.06.195 and 41.06.205. 84-17-042 (Order 209), § 356-05-310, filed 8/10/84.]

WAC 356-05-315 Professional personnel. Employees performing work which requires consistent exercise of independent judgment and is in a specialized field requiring advanced knowledge normally gained through achieving a baccalaureate degree but which may be gained through equivalent experience. [Statutory Authority: RCW 41.06.150, 41.06.175, 41.06.185, 41.06.195 and 41.06.205. 84-17-042 (Order 209), § 356-05-315, filed 8/10/84.]

WAC 356-05-320 Project employment. A program designated by the director of personnel as "project employment," that is separately financed by a grant, federal funds, or by state funds, or by a combination of funds to provide training or employment opportunities or expertise or additional employees to carry out a specific project or goal and which, either because of the nature of the project, funding requirements, or potential harmful impact on employment opportunities for regular civil service employees, cannot be facilitated through the regular civil service system. Such a program may last upward to two years and beyond, but has an end in sight. [Statutory Authority: RCW 41.06.150, 41.06.175, 41.06.185, 41.06.195 and 41.06.205. 84-17-042 (Order 209), § 356-05-320, filed 8/10/84.]

WAC 356-05-325 Promotion. A change of an employee from a position in one class to a position in a class having a higher maximum salary. [Statutory Authority: RCW 41.06.150, 41.06.175, 41.06.185, 41.06.195 and 41.06.205. 84-17-042 (Order 209), § 356-05-325, filed 8/10/84.]

WAC 356-05-330 Provisional appointment. An appointment to a position pending the establishment of a register for that class. [Statutory Authority: RCW 41.06.150, 41.06.175, 41.06.185, 41.06.195 and 41.06.205. 84-17-042 (Order 209), § 356-05-330, filed 8/10/84.]

WAC 356-05-335 Reduction in force. A separation resulting from a lack of funds, lack of work, good faith reorganization for efficiency purposes, or from there being fewer positions than the employees entitled to the positions because of exercising their rights to return to the classified service. When a reduction in force occurs, it is a separation from service without cause on the part of the employee. [Statutory Authority: RCW 41.06.150, 41.06.175, 41.06.185, 41.06.195 and 41.06.205. 84-17-042 (Order 209), § 356-05-335, filed 8/10/84.]

WAC 356-05-340 Reduction. Placement of an employee's salary at a lower step within the range as a result of a disciplinary action. [Statutory Authority: RCW 41.06.150, 41.06.175, 41.06.185, 41.06.195 and 41.06.205. 84-17-042 (Order 209), § 356-05-340, filed 8/10/84.]

WAC 356-05-345 Reemployment. An appointment, made from the reemployment register, of a former employee who had permanent status. [Statutory Authority: RCW 41.06.150, 41.06.175, 41.06.185, 41.06.195 and

41.06.205. 84-17-042 (Order 209), § 356-05-345, filed 8/10/84.]

WAC 356-05-350 Register. A list of eligible names established for employment or reemployment in a class. [Statutory Authority: RCW 41.06.150, 41.06.175, 41.06.185, 41.06.195 and 41.06.205. 84-17-042 (Order 209), § 356-05-350, filed 8/10/84.]

WAC 356-05-355 Reinstatement. Return of an employee to full employment rights by board action following appeal hearing. [Statutory Authority: RCW 41.06.150, 41.06.175, 41.06.185, 41.06.195 and 41.06.205. 84-17-042 (Order 209), § 356-05-355, filed 8/10/84.]

WAC 356-05-360 Resignation. A voluntary separation from employment. [Statutory Authority: RCW 41.06.150, 41.06.175, 41.06.185, 41.06.195 and 41.06.205. 84-17-042 (Order 209), § 356-05-360, filed 8/10/84.]

WAC 356-05-365 Reversion. Voluntary or involuntary movement of an employee during a six-month trial service period to the class which was held prior to the current trial service appointment. [Statutory Authority: RCW 41.06.150, 41.06.175, 41.06.185, 41.06.195 and 41.06.205. 84-17-042 (Order 209), § 356-05-365, filed 8/10/84.]

WAC 356-05-370 Salary range. A sequence of minimum, intervening, and maximum dollar amounts designated by the board as the monthly compensation for a class. [Statutory Authority: RCW 41.06.150, 41.06.175, 41.06.185, 41.06.195 and 41.06.205. 84-17-042 (Order 209), § 356-05-370, filed 8/10/84.]

WAC 356-05-375 Scheduling plan. A series of schedules, approved for specific positions by the director of personnel or the personnel board, through which schedules the incumbents move in an established pattern. [Statutory Authority: RCW 41.06.150, 41.06.175, 41.06.185, 41.06.195 and 41.06.205. 84-17-042 (Order 209), § 356-05-375, filed 8/10/84.]

WAC 356-05-380 Seasonal career employees. Incumbents who have been appointed into seasonal career positions with the mutual expectation of continued employment or employees who have repeatedly returned to state employment in the same agency and are granted a seasonal career appointment at the start of their fourth season of consecutive employment as provided in WAC 356-30-130(3). [Statutory Authority: RCW 41.06.150, 41.06.175, 41.06.185, 41.06.195 and 41.06.205. 84-17-042 (Order 209), § 356-05-380, filed 8/10/84.]

WAC 356-05-385 Seasonal career employment. Two work patterns are included: (1) Work in positions, not intermittent in nature nor exempted by statutes or the provisions of WAC 356-06-020, which is cyclic in nature and beginning at approximately the same time each year lasting for a minimum of five months and a

maximum of nine months in any consecutive twelve-month period; and (2) work patterns in positions as in (1) above but lasting for only a minimum of three months each season and for the past three consecutive seasons in the same agency. [Statutory Authority: RCW 41.06.150, 41.06.175, 41.06.185, 41.06.195 and 41.06.205. 84-17-042 (Order 209), § 356-05-385, filed 8/10/84.]

WAC 356-05-387 Seasonal career positions. A grouping of assigned duties, tasks, and responsibilities in seasonal career employment established to respond to work that is cyclic in nature beginning at approximately the same time each year and lasting for a minimum of five months and a maximum of nine months in any consecutive twelve-month period. [Statutory Authority: RCW 41.06.150, 41.06.175, 41.06.185, 41.06.195 and 41.06.205. 84-17-042 (Order 209), § 356-05-387, filed 8/10/84.]

WAC 356-05-390 Seniority. A measure of the last period of unbroken time served in positions in the classified service under the jurisdiction of the state personnel board. Service in positions brought under the jurisdiction of the state personnel board by statute is counted as though it had previously been under the jurisdiction of the state personnel board. Leaves of absence granted by agencies and separations due to reduction in force are not considered a break in service. Time spent on leaves of absence without pay is not credited unless it is for educational leaves, or statutes require it be credited; or it is taken at the specific request of an agency so employees may perform work specifically related to state work. Time spent off the state payroll due to reduction in force will be credited for that period of time the employee is eligible to be placed on the reduction in force register. Leaves without pay granted to directly or indirectly reduce the possible effect of reduction in force will be credited in accordance with WAC 356-18-140 and 356-18-220. Leaves of absence without pay granted to employees who are drawing worker's compensation because of injury or illness while employed by the state will be credited. Time spent in exempt appointments listed in RCW 41.06.070 will be credited and the service will not be regarded as broken when employees return from exempt service in accordance to RCW 41.06.070(26), WAC 356-06-055 and 356-30-330. Time spent under the jurisdiction of the higher education personnel board will be added when the employee comes under the jurisdiction of the state personnel board through the provisions of WAC 356-49-040. The length of active military service of a veteran, not to exceed five years, shall be added to the state service for such veteran or his widow. [Statutory Authority: 41.06.150. 85-21-113 (Order 237), § 356-05-390, filed 10/23/85, effective 12/1/85. Statutory Authority: RCW 41.06.150, 41.06.175, 41.06.185, 41.06.195 and 41.06.205. 84-17-042 (Order 209), § 356-05-390, filed 8/10/84.]

WAC 356-05-395 Series. A group of classes of positions to which the same kind of work is assigned but

which is at different levels of difficulty and responsibility. [Statutory Authority: RCW 41.06.150, 41.06.175, 41.06.185, 41.06.195 and 41.06.205. 84-17-042 (Order 209), § 356-05-395, filed 8/10/84.]

WAC 356-05-400 Supervisor. Any employee assigned responsibility by management to participate in all the following functions with respect to their subordinate employees: (1) Selection of staff, (2) training and development, (3) planning and assignment of work, (4) evaluation of performance, and (5) corrective action. Participation in these functions must not be of a merely routine nature but requires the exercise of individual judgment. [Statutory Authority: RCW 41.06.150, 41.06.175, 41.06.185, 41.06.195 and 41.06.205. 84-17-042 (Order 209), § 356-05-400, filed 8/10/84.]

WAC 356-05-405 Suspension. An enforced absence without pay for disciplinary purposes. [Statutory Authority: RCW 41.06.150, 41.06.175, 41.06.185, 41.06.195 and 41.06.205. 84-17-042 (Order 209), § 356-05-405, filed 8/10/84.]

WAC 356-05-410 Tandem employment. Any position filled by more than one employee as voluntarily agreed between management and employee(s) who jointly fulfill the responsibilities and duties of the position(s). [Statutory Authority: RCW 41.06.150, 41.06.175, 41.06.185, 41.06.195 and 41.06.205. 84-17-042 (Order 209), § 356-05-410, filed 8/10/84.]

WAC 356-05-415 Temporary employment. Single or multiple periods of employment during the absence of a permanent employee or for work done at a workload peak and normally lasting for less than nine months and having an end in sight. [Statutory Authority: RCW 41.06.150, 41.06.175, 41.06.185, 41.06.195 and 41.06.205. 84-17-042 (Order 209), § 356-05-415, filed 8/10/84.]

WAC 356-05-420 Termination. Separation from employment for reasons beyond the control of the employee. [Statutory Authority: RCW 41.06.150, 41.06.175, 41.06.185, 41.06.195 and 41.06.205. 84-17-042 (Order 209), § 356-05-420, filed 8/10/84.]

WAC 356-05-425 Training. An organized learning process designed to provide needed changes in the skills, knowledges, attitudes or behaviors of employees. [Statutory Authority: RCW 41.06.150, 41.06.175, 41.06.185, 41.06.195 and 41.06.205. 84-17-042 (Order 209), § 356-05-425, filed 8/10/84.]

WAC 356-05-430 Transfer. The change of an employee from one to another classified position having the same salary range number. [Statutory Authority: RCW 41.06.150, 41.06.175, 41.06.185, 41.06.195 and 41.06.205. 84-17-042 (Order 209), § 356-05-430, filed 8/10/84.]

WAC 356-05-435 Trial service period. A six-month trial period of employment of a permanent employee beginning with the effective date of appointment from a

voluntary demotion register to a class which the employee has not previously held permanent status or from a promotional register. [Statutory Authority: RCW 41.06.150, 41.06.175, 41.06.185, 41.06.195 and 41.06.205. 84-17-042 (Order 209), § 356-05-435, filed 8/10/84.]

WAC 356-05-440 Tuition reimbursement. A full or partial reimbursement to eligible employees by the employing agency for tuition paid to attend approved courses. [Statutory Authority: RCW 41.06.150, 41.06.175, 41.06.185, 41.06.195 and 41.06.205. 84-17-042 (Order 209), § 356-05-440, filed 8/10/84.]

WAC 356-05-445 Underfill. The filling of a position with an employee in a lower related class in the absence of an adequate eligible register for the classification. [Statutory Authority: RCW 41.06.150, 41.06.175, 41.06.185, 41.06.195 and 41.06.205. 84-17-042 (Order 209), § 356-05-445, filed 8/10/84.]

WAC 356-05-450 Union shop. A form of union security that requires that all employees within a bargaining unit become members of the certified bargaining representative within 30 calendar days of the union shop election or 30 calendar days from an employee's date of hire, whichever is later. [Statutory Authority: RCW 41.06.150, 41.06.175, 41.06.185, 41.06.195 and 41.06.205. 84-17-042 (Order 209), § 356-05-450, filed 8/10/84.]

WAC 356-05-455 Union shop fee. The union shop fee, sometimes known as a representation fee, is the fee paid by an employee to a union shop representative in lieu of holding membership in that union. An employee who has been certified for nonmembership status because of bona fide religious tenets of a church or religious body of which the employee is a member, shall pay a fee equivalent to the regular monthly dues of the union shop representative minus any included monthly premiums for union sponsored insurance programs. [Statutory Authority: RCW 41.06.150, 41.06.175, 41.06.185, 41.06.195 and 41.06.205. 84-17-042 (Order 209), § 356-05-455, filed 8/10/84.]

WAC 356-05-460 Union shop representative. A union shop representative is an employee organization that is certified as exclusive bargaining representative for a bargaining unit and which has also been certified as union shop representative by the director of personnel. To be certified as union shop representative, a majority of all employees in the bargaining unit must vote in favor of having the petitioning employee organization as their union representative. [Statutory Authority: RCW 41.06.150, 41.06.175, 41.06.185, 41.06.195 and 41.06.205. 84-17-042 (Order 209), § 356-05-460, filed 8/10/84.]

WAC 356-05-465 Veteran. For the purpose of determining seniority, as defined in WAC 356-05-390, for granting preference during layoffs and subsequent reemployment, any person who has one or more years of active military service in any branch of the armed forces of the United States or who has less than one year's service and is discharged with a disability incurred in the line of

duty or is discharged at the convenience of the government and who, upon termination of such service, has received an honorable discharge, a discharge for physical reasons with an honorable record, or a release from active military service with evidence of service other than that for which an undesirable, bad conduct, or dishonorable discharge is given: *Provided*, That for the purposes of this section "veteran" does not include any person who has:

(1) Voluntarily retired with twenty or more years of active military service; and

(2) Whose military retirement pay is in excess of five hundred dollars per month. [Statutory Authority: RCW 41.06.150, 85-20-027 (Order 233), § 356-05-465, filed 9/24/85. Statutory Authority: RCW 41.06.150, 41.06.175, 41.06.185, 41.06.195 and 41.06.205. 84-17-042 (Order 209), § 356-05-465, filed 8/10/84.]

WAC 356-05-470 Veteran's widow. For the purpose of granting preference during layoffs and subsequent re-employment, the unremarried wife of a deceased veteran as defined in WAC 356-05-465 except that such veteran's one-year minimum length of active military service shall be disregarded. [Statutory Authority: RCW 41.06.150, 41.06.175, 41.06.185, 41.06.195 and 41.06.205. 84-17-042 (Order 209), § 356-05-470, filed 8/10/84.]

WAC 356-05-475 Volunteer experience. Work experience for which no salary was received, which may be credited toward meeting the minimum qualifications for a classification: *Provided* such experience is equivalent to and not prohibited by the minimum qualifications of the classification. Volunteer experience for which academic credit was granted may be used to satisfy either the educational or the experience requirements of a class, but may not be used for both. [Statutory Authority: RCW 41.06.150, 41.06.175, 41.06.185, 41.06.195 and 41.06.205. 84-17-042 (Order 209), § 356-05-475, filed 8/10/84.]

WAC 356-05-480 Work day. A 24-hour period beginning at a time determined by the appointing authority. For scheduled standard work period positions the work day begins at the scheduled starting time of the employee. [Statutory Authority: RCW 41.06.150, 41.06.175, 41.06.185, 41.06.195 and 41.06.205. 84-17-042 (Order 209), § 356-05-480, filed 8/10/84.]

WAC 356-05-485 Work period designation. Identification of each classification's and position's criteria for hours of work as defined in WAC 356-15-020 and qualifications for premium pay as defined in chapter 356-15 WAC. [Statutory Authority: RCW 41.06.150, 41.06.175, 41.06.185, 41.06.195 and 41.06.205. 84-17-042 (Order 209), § 356-05-485, filed 8/10/84.]

WAC 356-05-490 Work schedule. A series of workshifts and work days within the workweek. [Statutory Authority: RCW 41.06.150, 41.06.175, 41.06.185, 41.06.195 and 41.06.205. 84-17-042 (Order 209), § 356-05-490, filed 8/10/84.]

WAC 356-05-495 Workshift. Scheduled working hours within the workday. [Statutory Authority: RCW 41.06.150, 41.06.175, 41.06.185, 41.06.195 and 41.06.205. 84-17-042 (Order 209), § 356-05-495, filed 8/10/84.]

WAC 356-05-500 Workweek. A regular recurring period of 168 hours beginning at a time determined by the appointing authority and continuing for seven consecutive 24-hour periods. For scheduled standard work period positions the workweek begins at the scheduled starting time of the first shift of the employee's uniform shifts. [Statutory Authority: RCW 41.06.150, 41.06.175, 41.06.185, 41.06.195 and 41.06.205. 84-17-042 (Order 209), § 356-05-500, filed 8/10/84.]

WAC 356-05-505 Y-rate. A salary amount which either exceeds the maximum step for the salary range of an employee's class or a salary amount that falls between the steps of a salary range of an employee's class. [Statutory Authority: RCW 41.06.150, 41.06.175, 41.06.185, 41.06.195 and 41.06.205. 84-17-042 (Order 209), § 356-05-505, filed 8/10/84.]

Chapter 356-06 WAC GENERAL PROVISIONS

WAC	
356-06-010	Repealed.
356-06-020	Exemptions—Exceptions.
356-06-050	Exempt service.
356-06-055	Exempt—Classified service—Movement between.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

356-06-010	Definitions. [Statutory Authority: RCW 41.06.150, 84-14-006 (Order 207), § 356-06-010, filed 6/22/84; 84-12-079 (Order 206), § 356-06-010, filed 6/6/84; 84-11-003 (Order 203), § 356-06-010, filed 5/4/84; 84-02-030 (Order 194), § 356-06-010, filed 12/30/83; 83-01-115 (Order 179), § 356-06-010, filed 12/22/82. Statutory Authority: RCW 41.06.150(17), 82-19-092 (Order 175), § 356-06-010, filed 9/22/82; 82-09-022 (Order 169), § 356-06-010, filed 4/12/82; 82-03-030 (Order 165), § 356-06-010, filed 1/18/82; 81-23-031 (Order 163), § 356-06-010, filed 11/16/81; 80-13-047 (Order 147), § 356-06-010, filed 9/16/80; 80-09-010 (Order 145), § 356-06-010, filed 7/8/80; 78-02-049 (Order 116), § 356-06-010, filed 1/19/78; Order 113, § 356-06-010, filed 11/30/77; Order 112, § 356-06-010, filed 11/7/77; Order 109, § 356-06-010, filed 9/7/77; Order 100, § 356-06-010, filed 3/30/77; Order 98, § 356-06-010, filed 1/13/77, effective 2/13/77; Order 94, § 356-06-010, filed 11/2/76, effective 1/1/77; Order 92, § 356-06-010, filed 10/5/76, effective 11/5/76; Order 89, § 356-06-010, filed 6/30/76, effective 7/31/76; Order 86, § 356-06-010, filed 5/4/76; Order 82, § 356-06-010, filed 9/26/75; Order 80, § 356-06-010, filed 7/16/75; Order 78, § 356-06-010, filed 5/19/75, effective 7/1/75; Order 77, § 356-06-010, filed 5/7/75; Order 74, § 356-06-010, filed 3/7/75; Order 71, § 356-06-010, filed 12/30/74; Order 69, § 356-06-010, filed 9/30/74; Order 63, § 356-06-010, filed 2/26/74; Order 58, § 356-06-010, filed 9/10/73; Order 57, § 356-06-010, filed 7/31/73; Order 51, § 356-06-010, filed 12/19/72; Order 47, § 356-06-
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010, filed 6/14/72; Order 42, § 356-06-010, filed 1/11/72; Permanent and Emergency Order 39, § 356-06-010, filed 9/15/71; Order 36, § 356-06-010, filed 7/1/71, effective 8/1/71. Formerly WAC 356-04-010.] Repealed by 84-17-042 (Order 209), filed 8/10/84. Statutory Authority: RCW 41.06.150, 41.06.175, 41.06.185, 41.06.195 and 41.06.205. Later promulgation, see chapter 356-05 WAC.

WAC 356-06-010 Repealed. See Disposition Table at beginning of this chapter.

WAC 356-06-020 Exemptions--Exceptions. With the exceptions noted in subsection (20) of this section the provisions of these rules do not apply to:

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

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

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

(4) Employees of the state printing office.

(5) The officers of the Washington state patrol.

(6) Elective officers of the state.

(7) The chief executive officer of each agency.

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

(9) In the department of social and health services, the secretary, the secretary's executive assistant, if any; not to exceed six assistant secretaries, thirteen division directors, six regional directors and one confidential secretary for each of the above named officers; not to exceed six bureau directors and all superintendents of institutions of which the average daily population equals or exceeds one hundred residents: *Provided*, That each such confidential secretary must meet the minimum qualifications for the class of secretary 2 as determined by the state personnel board.

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

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

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

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

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

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

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

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

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

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

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

(i) The chief executive officer.

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

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

(13) Assistant attorneys general.

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

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

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

(b) Part-time local health officers.

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

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

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

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

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

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

(a) Washington state fruit commission.

(b) Washington state apple commission.

(c) Washington state dairy products commission.

(d) Washington state wheat commission.

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

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

(17) Liquor vendors appointed by the Washington state liquor control board pursuant to RCW 66.08.050: *Provided, however*, That rules and regulations adopted

by the state personnel board pursuant to RCW 41.06.150 regarding the basis for, and procedures to be followed for, the dismissal, suspension or demotion of an employee, and appeals therefrom shall be fully applicable to liquor vendors except those part-time agency vendors employed by the liquor control board, when, in addition to the sale of liquor for the state, they sell goods, wares, merchandise or services as a self-sustaining private retail business.

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

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

(20) While other provisions of these rules do not apply, the personnel board shall determine salaries and fringe benefits of incumbents in all exempt positions in agencies with positions under the jurisdiction of the personnel board, other than positions listed under subsections (5) through (8), (11)(a) and (b), and (12) through (17) of this section. [Statutory Authority: RCW 41.06.150. 85-21-113 (Order 237), § 356-06-020, filed 10/23/85, effective 12/1/85; 85-19-078 (Order 230), § 356-06-020, filed 9/18/85. Statutory Authority: RCW 41.06.150, 41.06.169, 41.06.175, 41.06.185, 41.06.195 and 41.06.205. 84-17-042 (Order 209), § 356-06-020, filed 8/10/84. Statutory Authority: RCW 41.06.150(17). 80-06-032 (Order 143), § 356-06-020, filed 5/9/80, effective 6/12/80; 79-12-012 (Order 137), § 356-06-020, filed 11/13/79; 78-05-025 (Order 119), § 356-06-020, filed 4/14/78; Order 63, § 356-06-020, filed 2/26/74; Order 37, § 356-06-020, filed

8/17/71, effective 9/17/71; Order 36, § 356-06-020, filed 7/1/71, effective 8/1/71. Formerly WAC 356-04-020.]

WAC 356-06-050 Exempt service. The exempt service includes only the positions and agencies, officers and employees listed in WAC 356-06-020 who do not have appeal rights to a personnel board when demoted or separated by dismissal or reduction in force. Appointments to any exempt position in branches, departments, or agencies not exempted by statute shall be reported by the director of personnel to the personnel board and shall include such information as may be required to ascertain that the position is properly included in the exempt service. The director of personnel may at any time study the duties of a position in this service to determine the propriety of its continued inclusion in this service. [Statutory Authority: RCW 41.06.150. 84-11-091 (Order 204), § 356-06-050, filed 5/23/84, effective 9/1/84; Order 36, § 356-06-050, filed 7/1/71, effective 8/1/71. Formerly WAC 356-04-080.]

WAC 356-06-055 Exempt--Classified service--Movement between. (1) Any classified employee having civil service status in a classified position who accepts an appointment in an exempt position shall have the right to return to the highest class of position in which the employee previously held permanent status, or to a position of similar nature and salary, within four years from the date of appointment to the exempt position. However, (a) upon the prior request of the appointing authority of the exempt position, the personnel board may approve one extension of no more than four years; and (b) if an appointment was accepted prior to July 10, 1982, then the four-year period shall begin as of that date. Such employee must apply to return to classified service within 30 calendar days of:

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

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

(2) When a classified employee holds a position in the classified service which is exempted, the following provisions shall apply at the time of the exemption:

(a) If the employee is appointed to the exempted position or to another exempt position, the employee shall have the right to return to the classified service as specified in subsection (1) of this section.

(b) If the employee is not appointed to the exempted position or to another exempt position but has previously held permanent status in another classified position, the employee shall have the right to return to the highest class of position previously held, or to a position of similar nature and salary.

(3) Employees exercising return rights within the time specified, as provided in subsection (1) of this section, shall return:

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

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

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

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

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

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

Employees in the classified service whose positions have been exempted from the civil service law in accordance with RCW 41.06.070 (24) or (26) and have not previously held other classified positions may return to the classified service in any vacant positions in their respective departments provided the employees:

(a) Meet the minimum qualifications;

(b) Have greater seniority than other employees who would be offered the vacancy(ies) as a reduction in force option or certifications from the reduction in force register. [Statutory Authority: RCW 41.06.150, 85-21-113 (Order 237), § 356-06-055, filed 10/23/85, effective 12/1/85; 84-11-091 (Order 204), § 356-06-055, filed 5/23/84, effective 9/1/84; 83-09-030 (Order 183), § 356-06-055, filed 4/15/83. Statutory Authority: RCW 41.06.150(17), 82-22-020 (Order 177), § 356-06-055, filed 10/26/82; 82-19-092 (Order 175), § 356-06-055, filed 9/22/82; Order 82, § 356-06-055, filed 9/26/75; Order 69, § 356-06-055, filed 9/30/74; Order 63, § 356-06-055, filed 2/26/74.]

Chapter 356-07 WAC

OPERATIONS AND PUBLIC RECORDS

WAC

356-07-020 Public records—Writings—Defined.

WAC 356-07-020 Public records--Writings--Defined. (1) "Public record" includes any writing containing information relating to the 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.

(2) "Writing" means 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.

(3) Both "public records" and "writings" as described in subsections (1) and (2) of this section are the property

of the state of Washington and, in accordance with chapter 40.14 RCW, require the authority of the state records committee before their disposal may be accomplished. [Statutory Authority: RCW 41.06.150, 84-04-022 (Order 197), § 356-07-020, filed 1/24/84; Order 60, § 356-08-020 (codified as WAC 356-07-020), filed 12/13/73.]

Chapter 356-10 WAC

CLASSIFICATION

WAC

356-10-040 Employee appointment status—Downward reallocation.
356-10-045 Employee appointment status—Lateral reallocation.
356-10-050 Employee appointment status—Upward reallocation.

WAC 356-10-040 Employee appointment status--Downward reallocation. Employees in positions that are reallocated downward are affected as follows:

(1) The director of personnel shall notify the incumbent and the employing agency in writing at least thirty calendar days prior to the effective date of the reallocation. This action shall not preclude the employee from accepting a transfer or promotion to a vacant position.

(2) The employee may elect to remain in the reallocated position provided the employee meets the minimum or desirable qualifications for the new classification or acceptable qualifications as determined by the director of personnel or designee. No further qualifying examination will be required and the employee will retain existing appointment status.

(3) If the employee does not meet the qualifications for the new classification as provided in subsection (2) of this section and the employee is not transferred, promoted, demoted or otherwise retained in status within sixty days, the provisions governing reduction in force shall apply.

(4) An employee who remains in a position which is reallocated downward may have his or her name placed upon the agency reduction in force register for the classification to which the position was previously allocated.

(5) Employees who continue in positions which are reallocated downward shall be paid an amount equal to their previous salary if such amount is within the salary range for the lower class. Employees whose current salary falls between two steps or exceeds the top step of the range for the lower class shall be Y-rated.

(6) Employees shall retain their existing periodic increment date provided the salary is less than the maximum of the lower range.

(7) Employees who retain their salary as provided in subsection (5) of this section will not be entitled to promotional salary increases if they are subsequently hired off the agency reduction in force register; however, if an employee's salary falls between the steps of the higher range, the salary will advance to the closest step for the class in the higher range upon promotion. [Statutory Authority: RCW 41.06.150, 85-11-074 (Order 223), § 356-10-040, filed 5/22/85. Statutory Authority: RCW

41.06.150, 41.06.175, 41.06.185, 41.06.195 and 41.06.205. 84-17-042 (Order 209), § 356-10-040, filed 8/10/84. Statutory Authority: RCW 41.06.150. 83-24-002 (Order 193), § 356-10-040, filed 11/28/83; Order 109, § 356-10-040, filed 9/7/77; Order 90, § 356-10-040, filed 9/7/76, effective 10/8/76; Order 36, § 356-10-040, filed 7/1/71, effective 8/1/71. Formerly WAC 356-08-060.]

WAC 356-10-045 Employee appointment status-- Lateral reallocation. Employees in positions that have been reallocated laterally (to a different classification with the same salary range) are affected as follows:

(1) The employee may elect to retain existing appointment status in a position that is reallocated laterally provided he/she meets the minimum or desirable qualifications as determined by the director of personnel or designee. No further qualifying examination will be required and the employee will retain existing appointment status.

(2) If it is determined the employee does not meet the minimum qualifications for the new classification as provided in subsection (1) of this section and he/she is not transferred, promoted, demoted, or otherwise retained in status within sixty days, the provisions governing reduction in force shall apply.

(3) The employee retains existing appointment status when a position is reallocated laterally based on a revision of a class series, a class series study, or an agency-wide or major subdivision-wide classification review planned, conducted, or authorized by the department of personnel in advance of personnel board action (if any), when the reallocation involves no change in duties or responsibilities.

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

(b) Subsection (1) of this section applies when a change in duties, responsibilities, or organization coincides with a revision of a class series.

(4) The director of personnel or designee may approve the retention of status for an incumbent in a laterally reallocated position when it is evident that the reallocation is, in effect, the correction of a long-term inequity. The application of this subsection shall not be denied in those cases where the employee has performed the duties of the lateral class for three continuous years or more.

(5) The effective date of an incumbent's appointment status as provided for in subsection (1) or (4) of this section shall be the date the director of personnel or designee approves the position reallocation.

(6) The salary and periodic increment date of an employee who continues in a position that is reallocated laterally shall remain unchanged. [Statutory Authority: RCW 41.06.150, 41.06.175, 41.06.185, 41.06.195 and 41.06.205. 84-17-042 (Order 209), § 356-10-045, filed 8/10/84.]

WAC 356-10-050 Employee appointment status-- Upward reallocation. Employees in positions which have been reallocated upward are affected as follows:

(1) Employee must compete and be certified from the appropriate eligible register unless otherwise determined by the director of personnel or designee when the position is reallocated upward based on recent or impending changes in duties and responsibilities. The employee's salary is then adjusted in accordance with the rule governing promotion.

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

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

(b) The employee passes the appropriate examination.

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

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

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

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

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

(6) The effective date of an incumbent's appointment status as provided for in subsection (2) or (5) of this section will be the earliest date that a copy of the classification questionnaire, either submitted directly by the incumbent or by the agency, is received by the department of personnel. Receipt of such classification questionnaires shall be acknowledged by the department of personnel if the submitting party includes a self-addressed stamped envelope with the copy of the classification questionnaire furnished the department of personnel.

(7) The department of personnel, the director of personnel, and the state personnel board shall not award additional compensation to an employee for any period prior to the date on which the classification questionnaire was received by the department of personnel. [Statutory Authority: RCW 41.06.150, 41.06.175, 41.06.185, 41.06.195 and 41.06.205. 84-17-042 (Order 209), § 356-10-050, filed 8/10/84. Statutory Authority: RCW 41.06.150(17). 80-13-047 (Order 147), § 356-10-050, filed 9/16/80; 79-03-010 (Order 128), § 356-10-050, filed 2/14/79; 78-12-026 (Order 126), § 356-10-050, filed 11/15/78; 78-10-070 (Order 123), § 356-10-050, filed 9/26/78; Order 84, § 356-10-050, filed 10/20/75, effective 11/17/75; Order 64, § 356-10-050, filed 3/20/74; Order 36, § 356-10-050, filed 7/1/71, effective 8/1/71. Formerly WAC 356-08-080.]

Chapter 356-14 WAC COMPENSATION PLAN

WAC

356-14-075	Y rate—Administration.
356-14-110	Salary—Periodic increment dates—Original—Subsequent.
356-14-120	Salary—Periodic increment date—Promotion.
356-14-125	Repealed.
356-14-130	Salary—Concurrence of probation, trial service, and periodic increment date.
356-14-180	Salary—Reversion—Computation.
356-14-220	Salary—Wage and hour records.
356-14-230	Salary—Duplicate payment.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

356-14-125	Salary reviews—Management employees. [Statutory Authority: RCW 41.06.150, 41.06.169, 41.06.175, 41.06.185, 41.06.195 and 41.06.205. 84-17-042 (Order 209), § 356-14-125, filed 8/10/84.] Repealed by 85-19-078 (Order 230), filed 9/18/85. Statutory Authority: RCW 41.06.150.
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WAC 356-14-075 Y rate—Administration. Y rate—A "Y rate" is a dollar amount that:

- (1) Is treated as the basic salary for an employee.
- (2) Is set by the director of personnel or other provisions of the merit system rules at an amount other than that which would be paid if such action were not taken.
- (3) Will remain in effect until one of the following occurs:
 - (a) A specific date established by the director of personnel is reached; or
 - (b) The employee leaves the class he/she occupied when the "Y rate" was approved; or
 - (c) The range for the employee's present class is increased to include the "Y rate" amount which formerly exceeded the top of the range. At that time, the employee's basic salary shall become the maximum step of the salary range for the class; or
 - (d) The range for the employee's present class is increased, but had already encompassed the employee's "Y rate," which was between normal steps. At that time, the employee's basic salary shall advance to the normal

step of the range which provides the closest to, but not greater than, the increase in the range; or

(e) The employee's salary is reduced pursuant to WAC 356-34-020; or

(f) The "Y rate" is subsequently modified by the director of personnel.

(4) On its effective date will cause the employee to lose his or her periodic increment date unless the salary is between steps of the range.

(5) The director of personnel shall report all "Y rate" approvals to the board. [Statutory Authority: RCW 41.06.150. 85-09-030 (Order 221), § 356-14-075, filed 4/12/85; Order 109, § 356-14-075, filed 9/7/77; Order 96, § 356-14-075, filed 12/10/76, effective 1/12/77; Order 92, § 356-14-075, filed 10/5/76, effective 11/5/76.]

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

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

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

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

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

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

(c) The dollar amount increase is stated otherwise in the compensation plan appendix or chapter 15.

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

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

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

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

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

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

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

(5) An employee's periodic increment date shall be set and remain the same unless subsequently changed in accordance with the provisions of the merit system rules. [Statutory Authority: RCW 41.06.150. 85-19-078 (Order 230), § 356-14-110, filed 9/18/85. Statutory Authority: RCW 41.06.150, 41.06.169, 41.06.175, 41.06.185, 41.06.195 and 41.06.205. 84-17-042 (Order 209), § 356-14-110, filed 8/10/84. Statutory Authority: RCW 41.06.150(17). 79-10-064 (Order 133), § 356-14-110, filed 9/18/79; 78-06-017 (Order 120), § 356-14-110, filed 5/12/78; Order 109, § 356-14-110, filed 9/7/77; Order 36, § 356-14-110, filed 7/1/71, effective 8/1/71. Formerly WAC 356-08-134.]

WAC 356-14-120 Salary--Periodic increment date--Promotion. Employees who receive a salary increase through promotion shall retain their present periodic increment date except:

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

(2) An employee with no periodic increment date because of being promoted from a maximum step or a Y rated amount above the maximum step of a range, will assume a new periodic increment date if the employee is moving to a minimum or intervening salary step as provided in WAC 356-14-110. [Statutory Authority: RCW 41.06.150. 85-19-078 (Order 230), § 356-14-120, filed 9/18/85. Statutory Authority: RCW 41.06.150, 41.06.169, 41.06.175, 41.06.185, 41.06.195 and 41.06.205. 84-17-042 (Order 209), § 356-14-120, filed 8/10/84. Statutory Authority: RCW 41.06.150(17). 79-10-064 (Order 133), § 356-14-120, filed 9/18/79; Order 109, § 356-14-120, filed 9/7/77; Order 36, § 356-14-120, filed 7/1/71, effective 8/1/71. Formerly WAC 356-08-135.]

WAC 356-14-125 Repealed. See Disposition Table at beginning of this chapter.

WAC 356-14-130 Salary--Concurrence of probation, trial service, and periodic increment date. When the date of promotion and the periodic increment date coincide, the periodic increment shall be paid prior to the promotional increase. Periodic increment dates and completion dates for probationary and trial service periods shall be computed separately. [Statutory Authority: RCW 41.06.150. 85-19-078 (Order 230), § 356-14-130, filed 9/18/85. Statutory Authority: RCW 41.06.150, 41.06.169, 41.06.175, 41.06.185, 41.06.195 and 41.06.205. 84-17-042 (Order 209), § 356-14-130, filed 8/10/84; Order 36, § 356-14-130, filed 7/1/71, effective 8/1/71. Formerly WAC 356-08-136 and 356-08-137.]

WAC 356-14-180 Salary--Reversion--Computation. Reverted employees shall be paid at the step of the salary range which they normally would have received had they not been promoted or demoted. [Statutory Authority: RCW 41.06.150. 85-15-043 (Order 228), §

356-14-180, filed 7/15/85. Statutory Authority: RCW 41.06.150(17). 78-06-017 (Order 120), § 356-14-180, filed 5/12/78; Order 36, § 356-14-180, filed 7/1/71, effective 8/1/71.]

WAC 356-14-220 Salary--Wage and hour records.

(1) Each agency shall maintain records of its employees' overtime accrual and compensation separate from the scheduled work and compensation record. These time records will be subject to review by the director.

(2) For its employees covered by the overtime provisions of the FLSA, each agency shall maintain for at least three years records of the wages, hours, and other conditions and practices of employment that it maintains. Although no official forms are required, records shall include:

- Name, home address and birthdate
- Sex and class title
- Hour and day when workweek begins
- Regular hourly pay rate for any week when overtime is worked
- Hours worked each workshift and total hours worked each workweek
- Total daily or weekly or monthly straight time earnings
- Deductions or additions to wages
- Total wages paid each pay period
- Date of payment and pay period covered

These records may be subject to review by the Wage and Hour Division of the U.S. Department of Labor.

(3) Disposal of these records will be accomplished in accordance with the provisions of chapter 40.14 RCW. [Statutory Authority: RCW 41.06.150. 85-11-074 (Order 223), § 356-14-220, filed 5/22/85; Order 78, § 356-14-220, filed 5/19/75; Order 36, § 356-14-220, filed 7/1/71, effective 8/1/71. Formerly WAC 356-08-150.]

WAC 356-14-230 Salary--Duplicate payment. Nothing in this rule shall be interpreted in such a manner as to result in duplicate payment for the same work time. Where time worked by an employee would qualify for premium payment under more than one article, that article authorizing the highest compensation shall apply provided that: Nothing herein shall preclude payment of premiums for shift premium and overtime for the same hours. [Assignment pay shall be paid as authorized in the compensation plan regardless of other premiums being paid concurrently.] [Statutory Authority: RCW 41.06.150. 85-14-008 (Order 224), § 356-14-230, filed 6/24/85; Order 36, § 356-14-230, filed 7/1/71, effective 8/1/71. Formerly WAC 356-08-151.]

Chapter 356-15 WAC

COMPENSATION PLAN APPENDIX

WAC	
356-15-020	Work period designations.
356-15-030	Overtime provisions and compensation.
356-15-050	Holiday compensation.

356-15-060	Shift premium provisions and compensation.
356-15-061	Shift premium schedule.
356-15-070	Split shift provisions and compensation.
356-15-095	Flexible time schedules.
356-15-100	Call-back provisions and compensation for work preceding or following a scheduled workshift.
356-15-110	Call-back provisions and compensation for work on scheduled days off or holidays.
356-15-130	Special pay ranges.

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

WAC 356-15-020 Work period designations. The personnel board shall assign a specific work period designation to each classification. The personnel board may authorize a work period designation which differs from the class-wide designation for specific positions having atypical working conditions. When two or more designations are indicated for a job classification, the first designation listed shall constitute the class-wide designation. Each position shall be assigned only one designation. The work period designation for persons on "in-training" and "underfill" appointments shall be the same as that of the position to which they are appointed.

(1) **Scheduled (S):**

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

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

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

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

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

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

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

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

(c) Unlisted: Full time positions for which the director of personnel has approved a schedule or scheduling plan not allowed above. Such unlisted schedules may be approved by the director of personnel when both the agency and the affected employees are in agreement. Approval by the exclusive representative shall constitute approval of employees within a certified bargaining unit.

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

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

(a) Positions which meet the definition (chapter 356-05 WAC) of administrative personnel, agricultural personnel, executive personnel, housed personnel, law enforcement personnel, professional personnel.

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

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

(d) Other factors it may deem to be appropriate.

(4) **Law enforcement (L):** Positions which meet the law enforcement criteria of section 7(k) of the Fair Labor Standards Act. [Statutory Authority: RCW 41.06.150. 86-01-014 (Order 239), § 356-15-020, filed 12/6/85; 85-01-083 (Order 212), § 356-15-020, filed 12/19/84; 83-24-002 (Order 193), § 356-15-020, filed 11/28/83. Statutory Authority: RCW 41.06.150(17). 82-05-034 and 82-06-009 (Order 167 and 167-A), § 356-15-020, filed 2/16/82 and 2/19/82; 79-10-064 (Order 133), § 356-15-020, filed 9/18/79; Order 113, § 356-15-020, filed 11/30/77, effective 1/1/78; Order 98, § 356-15-020, filed 1/13/77, effective 2/13/77; Order 86, § 356-15-020, filed 5/4/76, effective 10/1/76.*]

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

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

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

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

(d) Work on a scheduled day off.

(e) Time worked in excess of the 28-day work period by law enforcement positions.

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

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

(4) Exceptions work period employees are not required to be compensated beyond their regular monthly rate of pay for work which meets subsection (1)(a) through (d) of this section. However, they may be compensated or granted exchange time for any of those conditions if their appointing authority deems it appropriate.

(a) If overtime compensation is authorized, the appointing authority may fix the rate, not to exceed one and one-half times the employee's regular rate of pay. As indicated in subsection (5) of this section, the agency and the employee may agree to use compensatory time off in lieu of cash; in that event, the rules covering liquidation of compensatory time apply.

(b) Exchange time may be authorized for any number of hours worked beyond the exceptions work period employee's normal hours of work. For those hours authorized, the rate shall be equal hours off for those worked. Exchange time can be accrued to a limit determined by each agency, not to exceed 174 hours.

(c) Employees must be allowed, and may be required, to use all exchange time in excess of 80 hours prior to each April 1 and October 1, or other semi-annual dates fixed by an agency and made known to its employees and the director of personnel by that agency's director. As an exception to the above, the director of personnel may establish a single annual date based on the special needs of the requesting agency. Employees must exhaust their exchange time before using compensatory time or vacation leave unless this would result in a loss of accumulated leave.

(d) Employee absence on approved exchange time shall be considered as time worked for payroll purposes.

(e) Exchange time has no cash liquidation value. However, employees voluntarily terminating from state service or transferring to another agency must be offered the opportunity to postpone their cessation of employment by the granting agency until their accumulated, authorized exchange time has been used. Employees who were separated due to a reduction in force or disability separation are entitled to reinstatement of accumulated exchange time if they are rehired on a permanent basis by the granting agency within three years of separation.

(5) Law enforcement positions have a 160-hour, 28-day work period, rather than a 40-hour work week.

(a) When the combination of credited work hours (vacation, sick leave, holidays, or compensatory time) and actual work hours exceeds 160 hours, the employee shall be compensated at time and one-half rates in cash or compensatory time at the option of the agency.

(b) Overtime compensation for actual work in excess of 171 hours in a work period may be in the form of compensatory time off if the employee and the agency agree.

(c) Assigned, actual work on a holiday shall be considered as work in excess of 160 hours.

(d) For the positions receiving assignment pay for an extended work period, the following special provisions apply:

(i) These law enforcement classes or positions have a 171-hour, 28-day work period, for which they receive four ranges (approximately ten percent) above the base salary range.

(ii) When the combination of credited work hours and actual work hours exceeds 171 hours, the employee shall be compensated at time and one-half rates. Compensation may be in the form of compensatory time off if the employee and the agency agree.

(iii) Assigned, actual work on a holiday shall be considered as work in excess of 171 hours.

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

Overtime compensation shall be paid in either cash or compensatory time off, provided that such compensation is paid in a manner consistent with the overtime liquidation provisions of the merit system rules.

Compensatory time off may be used in lieu of cash compensation for overtime only when an agency and the employee agree, except as provided for law enforcement officers in subsection (5) of this section. When compensatory time is utilized by scheduled or nonscheduled work period employees it shall be compensated at the rate of time-and-one-half. [Statutory Authority: RCW 41.06.150. 86-01-014 (Order 239), § 356-15-030, filed 12/6/85; 84-02-030 (Order 194), § 356-15-030, filed 12/30/83. Statutory Authority: RCW 41.06.150(17). 79-10-064 (Order 133), § 356-15-030, filed 9/18/79; Order 113, § 356-15-030, filed 11/30/77, effective 1/1/78; Order 98, § 356-15-030, filed 1/13/77, effective 2/13/77; Order 86, § 356-15-030, filed 5/4/76, effective 10/1/76.*]

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

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

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

(2) Compensation for hours actually worked shall be in cash, compensatory time, or exchange time as indicated in WAC 356-15-030 (4) and (5).

(3) Part-time employees shall be compensated for holidays in accordance with WAC 356-18-030(5). [Statutory Authority: RCW 41.06.150. 85-23-048 (Order 238), § 356-15-050, filed 11/18/85. Statutory Authority: RCW 41.06.150(17). 78-07-008 (Order 121), §

356-15-050, filed 6/12/78; Order 98, § 356-15-050, filed 1/13/77, effective 2/13/77; Order 86, § 356-15-050, filed 5/4/76, effective 10/1/76.*]

WAC 356-15-060 Shift premium provisions and compensation. (1) For purposes of this section, night shift and evening shift are defined as work shifts of eight or more hours which start by 3 a.m. or end at or after 10 p.m. respectively.

(2) Employees are entitled to shift premium in the amount specified in WAC 356-15-061 under the following circumstances only:

(a) Scheduled standard work period employees:

(i) For their scheduled hours which extend before 6 a.m. or after 6 p.m.

(ii) For all hours on their scheduled evening and/or night shift.

(iii) For all additional compensated hours worked by employees whose work schedules consist entirely of evening and/or night shifts.

(b) Scheduled alternate, unlisted, nonscheduled, and exceptions work period employees:

(i) For conditions mentioned in (a) of this subsection, shift premium is payable.

(ii) Employees who are scheduled to work at least one, but not all, night or evening shifts each week, are entitled to shift premium for those scheduled evening or night shifts, and for all adjoining hours which are worked and compensated.

(c) Part-time employees:

(i) For all assigned hours of work after 6 p.m. and before 6 a.m.

(ii) For assigned full night or evening shifts, as defined in subsection (1) of this section.

(d) Intermittent and temporary employees are entitled to shift premium depending on whether their assignment fits into the part-time category ((c) of this subsection) or into one of the full-time categories ((a) or (b) of this subsection).

(3) **Monthly shift premium rates:** In cases where shift premium hours are regularly scheduled over a year, agencies may pay shift premium at a monthly rate which is equal for all months of the year. Such monthly rates shall be calculated by dividing twelve into the amount of shift premium an employee would earn in a year if the hourly rules in subsection (1) of this section were applied. This option is granted to simplify bookkeeping and is not authorized to establish shift premium rates higher or lower than those set by the board.

(4) **Shift premium and overtime:** When an employee is compensated for working overtime during hours for which shift premium is authorized in subsection (2)(a) through (c) of this section, the overtime rate shall be calculated on the combined basic salary and shift premium rate.

(5) **Payment during leave periods:** Employees eligible for shift premium for all or part of their regular shifts will receive the same proportion of shift premium for authorized periods of paid leave, i.e., vacation leave, sick leave, military leave, holiday leave, etc. [Statutory Authority: RCW 41.06.150. 85-14-008 (Order 224), §

356-15-060, filed 6/24/85; 84-14-006 (Order 207), § 356-15-060, filed 6/22/84; 84-05-024 (Order 198), § 356-15-060, filed 2/10/84; Order 98, § 356-15-060, filed 1/13/77, effective 2/13/77; Order 86, § 356-15-060, filed 5/4/76, effective 10/1/76.*]

WAC 356-15-061 Shift premium schedule. The shift premium is 50¢ an hour for evening and night shifts, and is payable only under conditions described in WAC 356-15-060. [Statutory Authority: RCW 41.06.150. 85-14-008 (Order 224), § 356-15-061, filed 6/24/85.]

WAC 356-15-070 Split shift provisions and compensation. When an employee's assigned workshift is split with a minimum of four intervening hours not worked, the employee shall receive the premium rate set in the shift premium rate designated in WAC 356-15-061 for all hours worked. The provisions of WAC 356-15-060 (3) through (5) shall apply to employees working split shifts. [Statutory Authority: RCW 41.06.150. 85-14-008 (Order 224), § 356-15-070, filed 6/24/85; 85-05-030 (Order 217), § 356-15-070, filed 2/15/85; Order 98, § 356-15-070, filed 1/13/77, effective 2/13/77; Order 86, § 356-15-070, filed 5/4/76, effective 10/1/76.*]

WAC 356-15-095 Flexible time schedules. Each agency shall develop one or more flex-time schedules, all of which contain required fixed core hours of work, and each of which requires regular starting and quitting times other than 8 a.m. to 5 p.m., subject to the following conditions:

(1) No such schedules need be established if the agency head determines that such schedules would impede service to the public or impede the agency in accomplishing its mission.

(2) The agency may assign or reassign any employee or group of employees to any such schedule, subject to provisions of WAC 356-15-090.

(3) Employees may request assignment to flex-time schedules and the employing agency may grant or deny such assignment.

(4) Flex-time schedules affecting employees in a certified bargaining unit must be negotiated with the exclusive representative. [Statutory Authority: RCW 41.06.150. 85-20-027 (Order 233), § 356-15-095, filed 9/24/85.]

WAC 356-15-100 Call-back provisions and compensation for work preceding or following a scheduled workshift. (1) Scheduled work period employees shall be notified prior to their scheduled quitting time either to return to work after their workshift ends or to change the starting time of their next scheduled workshift.

(a) Failure to give such notice for such work shall be considered call-back and shall result in a penalty of three hours of pay at the straight time rate (or two hours at one-and-one-half times the regular rate of pay) in addition to all other compensation due. This penalty shall apply to each call.

(b) The appointing authority may cancel a call-back notification to work extra hours at any time but cancellation shall not waive the penalty cited in subsection (1) above.

(c) These provisions shall not apply to the mid-shift interval in a split shift and an employee called back while in standby status.

(2) Nonscheduled and Exception work period employees are not normally paid for call-back. However, if the appointing authority deems it appropriate, those employees may receive compensation, not to exceed the penalty cited above, for call-back. [Statutory Authority: RCW 41.06.150, 84-12-079 (Order 206), § 356-15-100, filed 6/6/84; Order 98, § 356-15-100, filed 1/13/77, effective 2/13/77; Order 86, § 356-15-100, filed 5/4/76, effective 10/1/76.*]

WAC 356-15-110 Call-back provisions and compensation for work on scheduled days off or holidays. (1) Management may assign employees to work on a day off or holiday. Scheduled and nonscheduled work period employees shall be notified of such assignments at least prior to the employees' normal quitting times on their second work day preceding the day off or holiday (except Sunday when it is within the assigned workshift).

(a) If management fails to give such notice, affected employees shall receive a penalty payment of three hours pay at their straight time rate (or two hours at one-and-one-half times the regular rate of pay) in addition to all other compensation due them.

(b) Management may cancel work assigned on a day off or holiday. However, if management fails to notify affected employees of such cancellation at least prior to their normal quitting times on their second work day preceding the day off or holiday work assignment, affected employees shall receive a penalty payment of three hours pay at their straight time rate (or two hours at one-and-one-half times the regular rate of pay).

(2) These provisions shall apply to employees in paid leave status.

(3) These provisions shall not apply to an employee assigned work on a day off or holiday while in standby status or on a contingency schedule as provided in WAC 356-15-090(3). [Statutory Authority: RCW 41.06.150, 84-12-079 (Order 206), § 356-15-110, filed 6/6/84; Order 98, § 356-15-110, filed 1/13/77, effective 2/13/77; Order 86, § 356-15-110, filed 5/4/76, effective 10/1/76.*]

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

(1) **"E" range:** This range is used for classes having a prevailing pay range which is shorter than Washington's standard ranges. An "E" range is a standard range with the first four steps removed. Thus, the first step of such

a range is the same as Step E of the standard range having the same range number. Periodic increases through the steps of this range are made at the same time intervals as through standard ranges, i.e., a two-step increase after six months at Step E and two annually thereafter up to the maximum step of the range.

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

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

(4) **"V" range:** Used only for the classes of teachers of the deaf or blind and principals, school for the deaf or blind. "V" ranges are the same as the current ranges of Vancouver, Washington School District #37 for certificated employees of similar background and experience. Advancement through the range is at the rate of one step per year.

(5) **"I" range:** This range is always ten ranges higher than the range approved for lottery district sales representative and it may be applied only to that class. Use of this range is limited to sales incentive programs which: (a) May not exceed ten weeks for any program; (b) may not exceed four programs in any consecutive twelve months; (c) require achievement of specific goals which are set for each program by the lottery, such goals to be in excess of normal performance standards for the class.

The lottery is authorized to compensate individual employees on the "I" range for not more than three months as a result of any one sales incentive program, with the number of months stipulated in the incentive program announcement. Within these limits, movement of any employee to and from the "I" range will be at the discretion of the lottery, and shall be from and to the same step, subject to change by the employee's periodic increase date. [Statutory Authority: RCW 41.06.150, 85-09-030 (Order 221), § 356-15-130, filed 4/12/85; 83-08-010 (Order 181), § 356-15-130, filed 3/25/83. Statutory Authority: RCW 41.06.150(17), 81-23-031 (Order 163), § 356-15-130, filed 11/16/81; 79-12-012 (Order 137), § 356-15-130, filed 11/13/79; Order 109, § 356-15-130, filed 9/7/77; Order 98, § 356-15-130, filed 1/13/77, effective 2/13/77; Order 86, § 356-15-130, filed 5/4/76, effective 10/1/76.*]

Chapter 356-18 WAC

LEAVE

WAC
356-18-020 Holidays.

356-18-030	Holidays—Rules—Regulations governing.
356-18-050	Sick leave credit—Purpose—Accrual—Conversion.
356-18-070	Sick leave—Reporting—Payment.
356-18-080	Leave—Worker's compensation.
356-18-090	Vacation leave—Accrual.
356-18-100	Accrued vacation leave disposition—Computation— How made.
356-18-105	Repealed.
356-18-140	Leave without pay.
356-18-200	Unauthorized absence.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

356-18-105	Exit leave. [Statutory Authority: RCW 41.06.150. 83-18-031 (Order 191), § 356-18-105, filed 8/31/83; 83-01-115 (Order 179), § 356-18-105, filed 12/22/82.] Repealed by 84-14-006 (Order 207), filed 6/22/84. Statutory Authority: RCW 41.06.150.
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WAC 356-18-020 Holidays. (1) Legal holidays are designated by statute. The following are legal holidays as established by RCW 1.16.050:

Sunday	
New Year's Day	January 1
Martin Luther King Jr.'s Birthday	Third Monday in January
Presidents' Day	Third Monday in February
Memorial Day	Last Monday of May
Independence Day	July 4
Labor Day	First Monday in September
Veteran's Day	November 11
Thanksgiving Day	Fourth Thursday in November
The day immediately following Thanksgiving Day	
Christmas Day	December 25

(2) Employees, except hourly rated faculty employees and those employees employed on the basis of contracts for a specified number of work days or faculty appointments, may select another day each calendar year on which to take an additional holiday as provided in WAC 356-18-025. [Statutory Authority: RCW 41.06.150. 85-15-043 (Order 228), § 356-18-020, filed 7/15/85. Statutory Authority: RCW 41.06.150(17). 78-04-014 (Order 117), § 356-18-020, filed 3/9/78; Order 109, § 356-18-020, filed 9/7/77; Order 87, § 356-18-020, filed 5/4/76; Order 65, § 356-18-020, filed 4/22/74; Order 36, § 356-18-020, filed 7/1/71, effective 8/1/71. Formerly WAC 356-12-350.]

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

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

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

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

(4) For full-time employees not on a Monday through Friday work schedule:

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

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

(5) Part-time employees who were on the payroll before and after the holiday and for a period of at least twelve calendar days during the month (but not including the holiday) will be compensated in cash, compensatory time, or exchange time for the holiday in a proportionate amount of time actually worked during the month to that required for full-time employment. [Statutory Authority: RCW 41.06.150. 85-20-027 (Order 233), § 356-18-030, filed 9/24/85. Statutory Authority: RCW 41.06.150(17). 78-04-014 (Order 117), § 356-18-030, filed 3/9/78; Order 109, § 356-18-030, filed 9/7/77; Order 36, § 356-18-030, filed 7/1/71, effective 8/1/71. Formerly WAC 356-12-360, 356-12-380.]

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

(2) Eight hours of sick leave credit shall be granted for each month in which a full-time employee is in pay status for 15 or more calendar days. Sick leave credit for other than full-time employees whose payroll hours are less than forty hours a week shall be computed and accrued at the ratio of payroll hours to payroll hours required for full-time employment.

(3) Employees shall be eligible to receive monetary compensation for accrued sick leave as follows:

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

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

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

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

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

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

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

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

(6) Employees coming under the jurisdiction of the state personnel board from the jurisdiction of the higher education personnel board by the provisions of WAC 356-06-055(6) shall be credited with their sick leave accumulated with the higher education system. [Statutory Authority: RCW 41.06.150. 84-04-022 (Order 197), § 356-18-050, filed 1/24/84; 83-12-002 (Order 184), 356-18-050, filed 5/19/83. Statutory Authority: RCW 41.06.150(17). 81-03-017 (Order 151), § 356-18-050, filed 1/12/81; 79-10-064 (Order 133), § 356-18-050, filed 9/18/79; Order 80, § 356-18-050, filed 7/16/75; Order 69, § 356-18-050, filed 9/30/74; Order 52, § 356-18-050, filed 12/19/72; Order 49, § 356-18-050, filed 8/17/72; Order 48, § 356-18-050, filed 7/19/72; Order 36, § 356-18-050, filed 7/1/71, effective 8/1/71. Formerly WAC 356-12-020 and 356-12-040.]

WAC 356-18-070 Sick leave--Reporting--Payment. (1) Sick leave shall be reported at the beginning of the absence and in accordance with agency procedure.

(2) Upon returning to work the employee shall report the general reason or circumstance for the sick leave as found in WAC 356-18-060 (1) through (6). A medical certificate may be required when there is cause to suspect sick leave abuse; to assist agencies in protecting the employees from returning to work too soon following an illness or injury; or to protect fellow employees or clients from contagious illness. A medical certificate must be required if the reason was personal illness as cited in WAC 356-18-060 (1)(a), (b), or (c), and continued for more than ten continuous work days.

(3) Sick leave shall be charged on an hourly basis.

(4) The accounting procedures established by the office of financial management prescribe the payments of sick leave for the reasons found in WAC 356-18-060(1) so as to exclude the payments from the meaning of "wages" under the Federal Old Age and Survivors Insurance. [Statutory Authority: RCW 41.06.150. 84-14-006 (Order 207), § 356-18-070, filed 6/22/84. Statutory Authority: RCW 41.06.150(17). 80-02-037 (Order 140), § 356-18-070, filed 1/11/80; 78-06-017 (Order 120), § 356-18-070, filed 5/12/78; Order 36, § 356-

18-070, filed 7/1/71, effective 8/1/71. Formerly WAC 356-12-021.]

WAC 356-18-080 Leave--Worker's compensation.

(1) Employees who suffer a work related injury or illness (occupational disease) shall file an application for worker's compensation in accordance with chapter 51.28 RCW.

(2) Employees who suffer a work related injury or illness and are unable to work due to such injury or illness may elect to receive time loss compensation exclusively, leave payment exclusively or a combination of time loss compensation and paid leave. The employing agency shall make such options known to the employee.

(3) Employees who elect to use sick leave during a period in which they receive worker's time loss compensation under the industrial insurance provisions for a work related illness or injury shall receive full sick leave pay, less any industrial insurance payments for time loss during the sick leave period.

(a) Until eligibility for worker's compensation is determined by the department of labor and industries, the employee may elect to use accrued sick leave, provided that the employee shall return any subsequent overpayment to the agency.

(b) Sick leave hours charged to an employee who receives worker's compensation as a result of the time loss shall be proportionate to that portion of the employee's salary paid by the agency during the claim period.

(4) When an employee elects to receive pay for vacation leave, compensatory time off or exchange time and also receives worker's compensation for time loss, the employee is entitled to both payments without any deductions for the time loss payment.

(5) When an employee receives pay for a holiday and also receives worker's compensation for time loss, the employee is entitled to both payments without any deductions for the time loss payment.

(6) Should an employee apply for time loss compensation and the claim is then or later denied, accrued leave may be used for the absence. [Statutory Authority: RCW 41.06.150. 85-14-008 (Order 224), § 356-18-080, filed 6/24/85. Statutory Authority: RCW 41.06.150(17). 78-06-017 (Order 120), § 356-18-080, filed 5/12/78; Order 36, § 356-18-080, filed 7/1/71, effective 8/1/71. Formerly WAC 356-12-022.]

WAC 356-18-090 Vacation leave--Accrual. (1) Full-time employees who were in pay status for 15 or more calendar days including holidays shall be credited monthly with the following rates of vacation leave for each year of employment. Part-time, intermittent, hourly or seasonal employees whose payroll hours are usually less than 40 hours a week shall be credited with vacation leave hours at the respective ratio of payroll hours to the payroll hours requirement for full time employment.

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

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

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

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

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

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

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

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

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

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

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

(2) Vacation leave is cumulative to a maximum of 240 hours (30 working days) unless the employee's request for leave is deferred by the agency and a statement of necessity filed with the director of personnel. Such deferred leave may be credited in excess of the 30-day maximum until such leave is granted by the employing agency. [Statutory Authority: RCW 41.06.150. 85-09-030 (Order 221), § 356-18-090, filed 4/12/85. Statutory Authority: RCW 41.06.150(17). 81-13-030 (Order 157), § 356-18-090, filed 6/15/81; Order 45, § 356-18-090, filed 4/17/72; Order 36, § 356-18-090, filed 7/1/71, effective 8/1/71. Formerly WAC 356-12-060, 356-12-090.]

WAC 356-18-100 Accrued vacation leave disposition—Computation—How made. (1) When an employee separates from service by reason of resignation with adequate notice, layoff, dismissal, retirement or death, he or she is entitled to a lump sum payment of unused vacation leave. The compensation shall be computed by using the formula published by the office of financial management. No contributions are to be made to the department of retirement systems (DRS) for lump sum payment of excess vacation leave accumulated under the provisions of WAC 356-18-095(2), nor shall such payment be reported to the DRS as compensation.

(2) Employees may defer the payment of their accumulated vacation leave for which otherwise entitled for a period of 30 working days if the separation resulted from a reduction in force and there is a reasonable probability of reemployment, or if the separation resulted from employees returning to classified positions from exempt positions under the provision of RCW 41.06.070(22), 41.06.100, or WAC 356-06-055.

(3) If employees are paid for the accumulated vacation leave and are reemployed within the period of time represented by the number of days for which vacation

pay was received, employees must return the payment for the remaining vacation days. Employees will be credited with the number of vacation days represented by the returned payments at the rate of their last salary.

(4) The separation cited in subsection (2) of this section will not be regarded as a break in service for purposes of computing the rates of crediting vacation leave prescribed in WAC 356-18-090, provided the employees return to employment other than by certification from the open competitive register. [Statutory Authority: RCW 41.06.150. 85-19-079 (Order 231), § 356-18-100, filed 9/18/85; 84-14-006 (Order 207), § 356-18-100, filed 6/22/84; 83-01-115 (Order 179), § 356-18-100, filed 12/22/82. Statutory Authority: RCW 41.06.150(17). 82-19-092 (Order 175), § 356-18-100, filed 9/22/82; 78-06-017 (Order 120), § 356-18-100, filed 5/12/78; Order 109, § 356-18-100, filed 9/7/77; Order 82, § 356-18-100, filed 9/26/75; Order 63, § 356-18-100, filed 2/26/74; Order 48, § 356-18-100, filed 7/19/72; Order 45, § 356-18-100, filed 4/17/72, effective 6/1/72; Order 36, § 356-18-100, filed 7/1/71, effective 8/1/71. Formerly WAC 356-12-070 and 356-12-100 (part).]

WAC 356-18-105 Repealed. See Disposition Table at beginning of this chapter.

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

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

(a) Leave with pay.

(b) Educational leave.

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

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

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

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

(3) Authorized leave without pay shall be limited to not more than 12 months in any consecutive five-year period, except for:

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

(b) Authorized government leave not exceeding two years;

(c) Employees receiving time loss compensation;

(d) Educational leaves under provisions of WAC 356-39-120;

(e) Newborn or adoptive child care leave under provisions of WAC 356-18-150; or

(f) Leave taken voluntarily to reduce the effect of an agency reduction in force under the provisions of WAC 356-30-335.

(4) Leave without pay exceeding twelve months in a consecutive five-year period, not covered by the exceptions noted in subsection (3) of this section, shall be treated as unauthorized absence. [Statutory Authority: RCW 41.06.150. 85-11-074 (Order 223), § 356-18-140, filed 5/22/85; 84-23-059 (Order 211), § 356-18-140, filed 11/20/84. Statutory Authority: RCW 41.06.150(17). 81-20-060 (Order 161), § 356-18-140, filed 10/5/81; 79-10-064 (Order 133), § 356-18-140, filed 9/18/79; 78-10-070 (Order 123), § 356-18-140, filed 9/26/78; Order 99, § 356-18-140, filed 2/24/77; Order 69, § 356-18-140, filed 9/30/74; Order 63, § 356-18-140, filed 2/26/74; Order 46, § 356-18-140, filed 5/9/72; Order 36, § 356-18-140, filed 7/1/71, effective 8/1/71. Formerly WAC 356-12-130, 356-12-140 and 356-12-180.]

WAC 356-18-200 Unauthorized absence. Unauthorized absence shall be treated as absence without pay and may be grounds for disciplinary action. Upon return the employee shall give a written statement to the appointing authority explaining the reason for the absence. [Statutory Authority: RCW 41.06.150. 84-23-059 (Order 211), § 356-18-200, filed 11/20/84; Order 36, § 356-18-200, filed 7/1/71, effective 8/1/71. Formerly WAC 356-12-230.]

Chapter 356-22 WAC

RECRUITMENT--EXAMINATIONS

WAC

356-22-070	Applications--Disqualification.
356-22-210	Examinations--Records and retention.
356-22-220	Examinations--Veterans preference--Eligibility periods--Percentage allowance.

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

(1) The applicant is found to lack any of the requirements established for the register (as defined in WAC 356-26-030) or the class.

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

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

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

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

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

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

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

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

(10) The applicant has taken part in the compilation, administration or correction of the examination. [Statutory Authority: RCW 41.06.150. 84-14-006 (Order 207), § 356-22-070, filed 6/22/84. Statutory Authority: RCW 41.06.150(17). 78-06-017 (Order 120), § 356-22-070, filed 5/12/78; Order 36, § 356-22-070, filed 7/1/71, effective 8/1/71. Formerly WAC 356-16-120.]

WAC 356-22-210 Examinations--Records and retention. Applications and other necessary records shall be kept during the life of the register. Applications or copies of appointees' applications may be transmitted to agency personnel offices or appointing authorities on request. Examination records of applicants not appointed may be destroyed 30 calendar days after the register expires in accordance with the provisions of chapter 40.14 RCW. [Statutory Authority: RCW 41.06.150. 85-11-074 (Order 223), § 356-22-210, filed 5/22/85; Order 36, § 356-22-210, filed 7/1/71, effective 8/1/71. Formerly WAC 356-16-250.]

WAC 356-22-220 Examinations--Veterans preference--Eligibility periods--Percentage allowance. (1) The term veteran as used in this rule shall include any person who has served in any branch of the armed forces of the United States during World War II, the Korean Conflict, the Viet Nam Era, (August 5, 1964 - May 7, 1975); or who has received the armed forces expeditionary medal, Marine Corps expeditionary medal, or Navy expeditionary medal, for opposed action on foreign soil.

(2) Further, only persons who received an honorable discharge or who received a discharge for physical reasons with an honorable record or who were released from active duty under honorable circumstances shall be eligible for this veterans preference.

(3) In all competitive examinations, veterans shall be given a preference by adding to the passing grade, based upon a possible rating of 100 points as perfect, a percentage of such passing grade under the following conditions:

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

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

(c) Five percent to a veteran who, after having previously received employment with the state, is called, or recalled, to active military service for one or more years

during any period of war. This preference shall be utilized on the first promotional examination only.

(4) The above preference provisions must be claimed within eight years of the date of release from active service. [Statutory Authority: RCW 41.06.150. 84-14-006 (Order 207), § 356-22-220, filed 6/22/84; Order 68, § 356-22-220, filed 6/25/74; Order 36, § 356-22-220, filed 7/1/71, effective 8/1/71. Formerly WAC 356-16-260.]

Chapter 356-26 WAC REGISTERS--CERTIFICATION

WAC

356-26-030	Register designation.
356-26-040	Registers--Name removal for cause--Grounds enumerated--Requirements.
356-26-060	Certification--General methods.
356-26-070	Certification--Registers--Order of rank--Exception.
356-26-130	Certification--Selective--When permitted.

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

(a) Composition.

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

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

(b) Method of ranking.

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

(c) Life of register.

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

(d) Special provisions.

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

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

(2) Service-wide reduction in force.

(a) Composition.

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

(b) Method of ranking.

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

(c) Life of register.

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

(d) Special provisions.

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

(3) Dual-agency reversion.

(a) Composition.

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

(b) Method of ranking.

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

(c) Life of register.

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

(d) Special provisions.

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

(4) Agency promotional.

(a) Composition.

(i) This register will be established by appropriate classes for each agency and shall include the names of those current permanent employees of each agency who have served six months of a probationary period, or past permanent employees who have been separated due to reduction in force within the last year and who have received a passing final grade in the total promotional examination and are eligible to be certified. The names of past permanent employees who were separated due to disability within the last year as provided in WAC 356-35-010 shall also be included on this register provided that they submit to the director of personnel a statement from a physician or licensed mental health professional

that they are physically and/or mentally able to perform the duties of the class for which the register is established and they have received a passing final grade as required for other promotional applicants.

(b) Method of ranking.

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

(c) Life of register.

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

(d) Special provisions.

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

(5) Service-wide reversion.

(a) Composition.

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

(b) Method of ranking.

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

(c) Life of register.

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

(d) Special provisions.

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

(6) Transfer.

(a) Composition.

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

(b) Method of ranking.

(i) This register will be unranked.

(c) Life of register.

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

(d) Special provisions.

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

(7) Voluntary demotion.

(a) Composition.

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

(b) Method of ranking.

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

(c) Life of register.

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

(d) Special provisions.

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

(8) Service-wide promotional.

(a) Composition.

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

(b) Method of ranking.

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

(c) Life of register.

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

(d) Special provisions.

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

(9) Reemployment.

(a) Composition.

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

(b) Method of ranking.

(i) This register shall be unranked.

(c) Life of register.

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

(d) Special provisions.

(i) Persons reemployed from this register will serve a probationary period. The former employee may limit or enlarge upon his/her area of availability either by department or geographic area.

(10) Inter-system employment.

(a) Composition. This register shall contain the names of permanent classified employees under the jurisdiction of the higher education personnel board who have submitted an application and who have passed the required examination.

(b) Method of ranking. This register shall be ranked according to final passing score from the highest to the lowest.

(c) Life of register. An eligible's name will normally remain on this register for one year.

(d) Special provisions. Employees appointed from this register will serve a six month trial service period.

(11) Open competitive.

(a) Composition.

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

(b) Method of ranking.

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

(c) Life of register.

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

(d) Special provisions.

(i) Persons on this register will indicate the geographic areas for which they are available. [Statutory Authority: RCW 41.06.150. 85-14-008 (Order 224), § 356-26-030, filed 6/24/85; 85-05-030 (Order 217), § 356-26-030, filed 2/15/85; 84-14-006 (Order 207), § 356-26-030, filed 6/22/84; 84-11-091 (Order 204), § 356-26-030, filed 5/23/84, effective 9/1/84; 83-01-115 (Order 179), § 356-26-030, filed 12/22/82. Statutory Authority: RCW 41.06.150(17). 82-19-092 (Order 175), § 356-26-030, filed 9/22/82; 81-20-060 (Order 161), § 356-26-030, filed 10/5/81; 80-13-047 (Order 147), § 356-26-030, filed 9/16/80; Order 58, § 356-26-030, filed 9/10/73; Permanent and Emergency Order 50, § 356-26-030, filed 10/19/72; Order 40, § 356-26-030, filed 12/10/71; Order 36, § 356-26-030, filed 7/1/71, effective 8/1/71. Formerly WAC 356-16-330, 356-16-340, 356-16-350, 356-16-360, 356-16-370, 356-16-380, 356-16-390, 356-16-400.]

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

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

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

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

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

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

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

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

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

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

(3) An eligible's name shall be reinstated on the register upon showing of cause satisfactory to the director of personnel or in accordance with the decision of the personnel board upon appeal. [Statutory Authority: RCW 41.06.150. 85-21-113 (Order 237), § 356-26-040, filed 10/23/85, effective 12/1/85. Statutory Authority: RCW 41.06.150(17). 82-19-092 (Order 175), § 356-26-040, filed 9/22/82; 81-13-030 (Order 157), § 356-26-040, filed 6/15/81; Order 87, § 356-26-040, filed 5/4/76, effective 6/5/76; Order 81, § 356-26-040, filed 8/21/75, effective 9/21/75*; Order 76, § 356-26-040, filed 3/31/75; Order 36, § 356-26-040, filed 7/1/71, effective 8/1/71. Formerly WAC 356-16-410.]

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

WAC 356-26-060 Certification--General methods. Upon receipt of a request for certification, the director of personnel shall normally certify to the appointing authority a list of names equal in number to four more than there are vacancies to be filled from the ranked registers except:

(1) One name will constitute a complete certification when referrals are made from the agency reduction-in-force register, the service-wide reduction-in-force register, or the dual agency reversion register. When an appointing authority requests a selective certification for specialized qualifications, the eligible candidate must meet the selective criteria in order to be referred to the position, provided:

(a) The criteria were approved when the position was established, reallocated, or last filled; or

(b) The specialized qualifications were previously required for a classification that was later merged with other classifications that did not require them; or

(c) It has been determined that the position involves new duties that would warrant future selective certification. Such selective criteria shall not be applied for certification purposes until six months after the department of personnel approves the selective criteria for the position.

(d) In the case of (a), (b), or (c) of this subsection, the director of personnel or designee must determine that the specialized qualifications are still required for successful job performance and cannot be learned within a reasonable length of time.

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

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

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

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

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

Agencies shall request from the department of personnel a determination prior to the utilization of this rule as to whether there are members of the protected

groups on existing registers. If there are no such members on the registers, active recruitment will be initiated.

(7) The director of personnel or designee may refer, for the following classes, a sufficient number of names to assure that requesting agencies have not less than five names available to fill the position:

Messenger clerk
 Receptionist
 Clerk 1
 Clerk 2
 Clerk-Steno 1 visually handicapped
 Clerk-Steno 2 visually handicapped
 Clerk-Typist 1
 Clerk-Typist 2
 Dictating machine transcriber
 Word processing operator 1
 Word processing operator 2
 Clerk-Steno 1
 Clerk-Steno 2
 PBX operator
 Data entry operator 1
 Data entry operator 2

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

(8) Permanent employees certified from a ranked register for consideration of appointment shall be notified by the agency at the time of the referral. Upon appointment the agency shall advise those employees certified but not appointed of the action taken. [Statutory Authority: RCW 41.06.150. 85-23-048 (Order 238), § 356-26-060, filed 11/18/85. Statutory Authority: RCW 41.06.150(17). 82-19-092 (Order 175), § 356-26-060, filed 9/22/82; 81-20-060 (Order 161), § 356-26-060, filed 10/5/81; 81-03-017 (Order 151), § 356-26-060, filed 1/12/81. Statutory Authority: RCW 41.06.140(17). 80-04-025 (Order 142), § 356-26-060, filed 3/14/80. Statutory Authority: RCW 41.06.150(17). 79-12-072 (Order 138), § 356-26-060, filed 11/30/79, effective 1/1/80; 79-11-046 (Order 136), § 356-26-060, filed 10/15/79, effective 1/1/80; Order 112, § 356-26-060, filed 11/7/77; Order 96, § 356-26-060, filed 12/10/76 and 12/20/76; Order 77, § 356-26-060, filed 5/7/75; Order 68, § 356-26-060, filed 6/25/74; Order 66, § 356-26-060, filed 5/28/74; Order 56, § 356-26-060, filed 6/25/73; Order 54, § 356-26-060, filed 4/26/73; Order 36, § 356-26-060, filed 7/1/71, effective 8/1/71. Formerly WAC 356-20-020.]

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

- (1) Agency reduction in force register.
- (2) Service-wide reduction in force register.
- (3) Dual-agency reversion register.
- (4) Agency promotional register.
- (5) Service-wide reversion register.
- (6) Transfer register.

- (7) Voluntary demotion register.
- (8) Service-wide promotional register.
- (9) Reemployment unranked register.
- (10) Inter-system employment register.
- (11) Open competitive register.

However, if the director of personnel and appointing authority establish that it is in the best interest of the state to broaden the competition, agencies may request the director of personnel to certify names combined from registers (4), (8), (10), and (11) provided:

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

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

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

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

(b) Request for combined registers must be made on a position-by position or a class basis and prior to recruitment. [Statutory Authority: RCW 41.06.150. 84-11-091 (Order 204), § 356-26-070, filed 5/23/84, effective 9/1/84; 83-09-030 (Order 183), § 356-26-070, filed 4/15/83. Statutory Authority: RCW 41.06.150(17). 81-20-060 (Order 161), § 356-26-070, filed 10/5/81; 79-12-072 (Order 138), § 356-26-070, filed 11/30/79, effective 1/1/80; Order 72, § 356-26-070, filed 1/30/75; Order 36, § 356-26-070, filed 7/1/71, effective 8/1/71. Formerly WAC 356-20-030.]

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

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

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

(2) Notwithstanding any other provision of these Rules, selective certification from the open competitive register may be initiated by the director of personnel to increase employment of minority personnel, which for purposes of this regulation shall include Blacks, Orientals, Indians, other nonwhites, and Mexican- and Spanish-Americans. Such selective certification may be initiated when the director of personnel determines that minority personnel are, in proportion to the total minority population of the state, under-represented either within state employment as a whole or in a geographical area of work. Such selective certification shall apply

only when all names are from the open competitive register.

(3) The director of personnel may selectively certify eligibles who are filling project positions to fill permanent positions. Such selective certification shall apply only from names on an open competitive register.

(4) Selective certification of eligibles who possess an appropriate, valid motor vehicle operator's license may be required for positions whose duties require specific driving skills. [Statutory Authority: RCW 41.06.150. 85-07-060 (Order 219), § 356-26-130, filed 3/20/85. Statutory Authority: RCW 41.06.150(17). 79-12-072 (Order 138), § 356-26-130, filed 11/30/79, effective 1/1/80; 79-11-046 (Order 136), § 356-26-130, filed 10/15/79, effective 1/1/80; Order 69, § 356-26-130, filed 9/30/74; Order 47, § 356-26-130, filed 6/14/72; Order 39, § 356-26-130, filed 9/15/71; Order 36, § 356-26-130, filed 7/1/71, effective 8/1/71. Formerly WAC 356-20-090.]

Chapter 356-30 WAC

APPOINTMENTS--SEPARATIONS

WAC

356-30-065	Temporary appointments--Classified service.
356-30-080	Temporary appointments--Exempt service.
356-30-130	Seasonal career employment.
356-30-230	Demotion--Voluntary.
356-30-300	Performance evaluation--Requirements--Monitoring.
356-30-302	Repealed.
356-30-305	Trial service period--Provision.
356-30-320	Trial service--Reversion--Status.
356-30-330	Reduction in force--Reasons, regulations--Procedure.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

356-30-302	Performance evaluation--Management employees--Requirements--Monitoring. [Statutory Authority: RCW 41.06.150, 41.06.169, 41.06.175, 41.06.185, 41.06.195 and 41.06.205. 84-17-042 (Order 209), § 356-30-302, filed 8/10/84.] Repealed by 85-19-078 (Order 230), filed 9/18/85. Statutory Authority: RCW 41.06.150.
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WAC 356-30-065 Temporary appointments--Classified service. (1) Temporary appointments may be made to classified positions during the absence of a permanent employee or during a workload peak having an end in sight.

(2) Temporary appointments may be made at the same or lower level classes within the same or related class series as the classification of the position to which the appointment is made.

(3) Temporary appointments shall be reported to the director of personnel, or designee. A temporary appointment shall last no more than nine months for single appointments, or no more than nine cumulative months for multiple appointments within a continuous twelve-month period, except when a temporary appointment is made to replace a permanent employee who has been granted a leave of absence without pay in accordance with WAC 356-18-140, 356-39-120, and 356-39-130 or when a temporary appointment is made to replace a

permanent employee who was appointed pursuant to WAC 356-39-040, 356-30-040, 356-30-065, and 356-30-070. In such cases, the temporary appointment may extend to thirty days after the date the permanent employee is scheduled to return.

(4) A two-month break in service shall occur since the last temporary appointment of the same person in the same agency, except for multiple appointments as indicated in subsection (3) of this section.

(5) Temporary appointees must meet the minimum qualifications of the class to which they are appointed. Established registers, certification, and referral services are available when making temporary appointments. An employee given a temporary appointment following certification from the register may enter a probationary or trial service period and subsequently gain permanent status when a change in agency needs results in the permanent availability of the position.

(6) Compensation of temporary appointees shall be consistent with the rules.

(7) An employee who accepts a temporary appointment to another classified position shall not achieve permanent status in the class to which the employee was temporarily appointed. Upon termination of such temporary appointment, a permanent employee shall have the right to resume a permanent position at their former status and salary including any increments and/or adjustments that may have accrued.

(8) An employee's temporary appointment may be ended with one full working day's notice prior to the effective date. The employee receiving such notice shall not have the right of appeal or hearing. [Statutory Authority: RCW 41.06.150. 84-21-071 (Order 210), § 356-30-065, filed 10/17/84; 84-12-079 (Order 206), § 356-30-065, filed 6/6/84.]

WAC 356-30-080 Temporary appointments—Exempt service. (1) Except as stipulated below, appointments to temporary exempt positions as defined in WAC 356-06-020(15) are exempt from these rules provided the positions are not used in a seasonal manner as described in the definition of seasonal career employment.

(2) Upon establishment, temporary exempt positions shall be approved by the director of personnel or designee.

(3) Temporary appointments may be made to temporary exempt positions for work done at a workload peak normally lasting for less than nine months and having an end in sight.

(4) Compensation and minimum qualifications of temporary appointees shall be consistent with those for comparable classified positions.

(5) A temporary appointment shall last no more than nine months for single appointments, or no more than nine cumulative months for multiple appointments within a continuous twelve month period.

(6) A two-month break in service shall occur since the last temporary appointment of the same person in the same agency, except for multiple appointments as indicated in subsection (5) of this section.

(7) Established registers, certification, and referral service are available for use in filling temporary exempt positions. [Statutory Authority: RCW 41.06.150. 84-12-079 (Order 206), § 356-30-080, filed 6/6/84. Statutory Authority: RCW 41.06.150(17). 80-15-052 and 81-03-064 (Orders 148 and 148A), § 356-30-080, filed 10/13/80 and 1/20/81; 78-12-026 (Order 126), § 356-30-080, filed 11/15/78; Order 36, § 356-30-080, filed 7/1/71, effective 8/1/71. Formerly WAC 356-24-210, 356-24-230 and 356-24-240.]

WAC 356-30-130 Seasonal career employment. (1) Seasonal career employees are those in seasonal career positions or employees whose repeated pattern of work is defined as the second pattern (2) in the definition of seasonal career employment.

(2) Positions which are established to respond to cyclic work load requirements and which meet the definition of seasonal career employment shall be established as seasonal career positions: *Provided*, That the agency will not establish seasonal career positions which circumvent the utilization of full-time positions.

(3) An initial appointment into seasonal career employment shall be from a register or lists; except that employees selected for a fourth consecutive season of cyclical temporary employment, as provided in the definition of seasonal career employment, shall be granted a seasonal career appointment provided they pass a qualifying examination for the classification in which they are employed.

(4) Upon completion of the probationary period of 1040, 1560, or 2080 accumulated scheduled hours (if serving a six-month, nine-month, or twelve-month probationary period), employees in seasonal career employment shall assume the rights of a permanent employee. Past service that later entitles employees to seasonal career employment will count toward permanent status at the beginning of the fourth qualifying season.

(5) Seasonal career employees affected by reduction in force, reduction in hours of work, subsequent reemployment or increase in scheduled hours of work will have their reduction in force rights only within their seasonal career layoff unit and will compete based on seniority. Notification of reduction in force or alterations of work schedules shall be given no later than two working days prior to the effective date. Seniority gained by seasonal career employees during seasonal layoff shall be disregarded.

(6) Seasonal career reduction in force registers shall be maintained and posted within their respective agencies in accordance with the agency's reduction in force procedures and policies.

(7) Seasonal career employees separated due to a reduction in force shall be placed on a separate seasonal career reduction in force register for the season from which they were layed off. [Statutory Authority: RCW 41.06.150. 84-10-054 (Order 202), § 356-30-130, filed 5/2/84; 84-02-030 (Order 194), § 356-30-130, filed 12/30/83; Order 58, § 356-30-130, filed 9/10/73; Order 36, § 356-30-130, filed 7/1/71, effective 8/1/71. Formerly WAC 356-24-290.]

WAC 356-30-230 Demotion--Voluntary. (1) A permanent employee, or an employee separated within the last year by reduction in force, or an employee who has been notified that he is scheduled for reduction in force may voluntarily take a position, which is by definition a demotion, when the position is in a class which is the same as or a related class for which the person qualified, as determined by the director. When such voluntary demotions are granted as an option to fill vacancies, they shall be done according to seniority and offered first, within the employee's layoff unit, then within the department, and then service-wide. No further examination will be required. The employee will not serve a trial service period.

(2) A proposed demotion shall be approved by the director prior to the effective date of the action.

(3) A permanent employee may also qualify or compete for classes of positions in other series which by definition are demotions, by completing an application form and taking the appropriate examination. [Statutory Authority: RCW 41.06.150. 84-10-054 (Order 202), § 356-30-230, filed 5/2/84; Order 36, § 356-30-230, filed 7/1/71, effective 8/1/71. Formerly WAC 356-24-120, 356-24-130 (part) and 356-24-140.]

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

(2) The annual evaluation will be conducted during the sixty-day period following the employee's anniversary date, except an agency can establish, on a consistent basis, a due date which better accommodates the agency's particular needs. The evaluation will cover the period ending with the established due date.

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

(4) The procedures and forms shall:

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

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

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

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

(5) Each employee whose work is judged unsatisfactory shall be notified in writing of the areas in which the work is considered deficient. Unless the deficiency is extreme, the employee shall be given an opportunity to demonstrate improvement.

(6) Allowing probationary employees to gain permanent status or trial service employees to gain permanent

status in the class to which they have been promoted without completion of an evaluation may be regarded as neglect of duty, incompetence or insubordination on the part of the supervisor and may be cause for disciplinary action. [Statutory Authority: RCW 41.06.150. 85-19-078 (Order 230), § 356-30-300, filed 9/18/85. Statutory Authority: RCW 41.06.150, 41.06.169, 41.06.175, 41.06.185, 41.06.195 and 41.06.205. 84-17-042 (Order 209), § 356-30-300, filed 8/10/84. Statutory Authority: RCW 41.06.150. 83-18-031 (Order 191), § 356-30-300, filed 8/31/83. Statutory Authority: RCW 41.06.150(17). 82-19-092 (Order 175), § 356-30-300, filed 9/22/82; 78-12-026 (Order 126), § 356-30-300, filed 11/15/78; Order 36, § 356-30-300, filed 7/1/71, effective 8/1/71. Formerly WAC 356-24-191.]

WAC 356-30-302 Repealed. See Disposition Table at beginning of this chapter.

WAC 356-30-305 Trial service period--Provision.

(1) Employees appointed from a voluntary demotion register to a class not previously held, a promotional register, or from the inter-system employment register shall serve a trial service period of six months. The trial service period will provide the appointing authority with the opportunity to observe the employee's work and to train and aid the employee in adjustment to the position, and to revert such an employee whose work performance fails to meet required standards. Reversions shall be under the provisions of WAC 356-30-320.

(2) When an employee is appointed to a higher class while serving in a trial service period, the trial service period for the lower class and the new trial service period for the higher class shall overlap provided that the higher and lower classes are in the same or a closely related field. The employee shall complete the terms of the original trial service period and be given permanent status in the lower class. Such employees will also be granted the rights normally accruing to trial service for the remainder of the trial service period in the higher class. [Statutory Authority: RCW 41.06.150. 84-11-091 (Order 204), § 356-30-305, filed 5/23/84, effective 9/1/84. Statutory Authority: RCW 41.06.150(17). 82-19-092 (Order 175), § 356-30-305, filed 9/22/82.]

WAC 356-30-320 Trial service--Reversion--

Status. (1) An employee who was appointed from a voluntary demotion register to a class not previously held or from a promotional register within an agency and fails to satisfactorily complete the trial service period shall automatically revert to a position in the former classification.

(2) An employee who was appointed from a voluntary demotion register to a class not previously held or from a promotional register into another agency and who fails to satisfactorily complete the trial service period shall be given 15 calendar days' written notice and placed on the dual-agency reversion register and the service-wide reversion register for his or her former class. Employees who are reverted do not have the right of appeal. If an

employee elects not to accept the first offer of employment, his/her name is then placed on the reemployment register.

(3) Former permanent employees who have promoted, demoted, or transferred to a position under the jurisdiction of the higher education personnel board in accordance with provisions of their rules and fail to complete their trial service period may be placed on the dual-agency reversion register and service-wide reversion register for his/her former class.

(4) Employees who are reemployed from the service-wide reversion registers shall enter a trial service period. Names of employees reverted during this period will be placed on the register from which they came.

(5) Employees who voluntarily revert to their former class may request of the director of personnel reactivation of their promotional score for the class from which reverted. Employees involuntarily reverted to their former class shall have all examination grades for the class from which they are reverted nullified. [Statutory Authority: RCW 41.06.150. 84-11-091 (Order 204), § 356-30-320, filed 5/23/84, effective 9/1/84. Statutory Authority: RCW 41.06.150(17). 80-13-047 (Order 147), § 356-30-320, filed 9/16/80; Order 43, § 356-30-320, filed 3/17/72; Order 36, § 356-30-320, filed 7/1/71, effective 8/1/71. Formerly WAC 356-20-260.]

WAC 356-30-330 Reduction in force--Reasons, regulations--Procedure. (1) The reasons for reduction in force actions and the minimum period of notice are:

(a) Employees may be separated in accordance with the statutes and the agencies' approved reduction in force procedures after at least fifteen calendar days' notice in writing, without prejudice, because of lack of funds or curtailment of work, or good faith reorganization for efficiency purposes, ineligibility to continue in a position which has been reallocated, or when there are fewer positions than there are employees entitled to such positions either by statute or within other provisions of merit system rules.

(b) When employees have statutory and merit system rule rights to return to the classified service and the total number of employees exceeds the number of positions to be filled in the classification, those employees in excess will have the reduction in force rights prescribed in this section.

(2) The agencies shall develop a reduction in force procedure that is consistent with the following:

(a) For purposes of reduction in force (WAC 356-30-330), seniority shall be determined by the definition in WAC 356-05-390. Ties in seniority will be broken by first measuring the employees' last continuous time within their current classification; if the tie still exists, by measuring the employees' last continuous time in their current agency; and if the tie still exists, by lot.

(b) Clearly defined layoff units, either geographically or by administrative units or both, so as to limit the disruption of an agency's total operation; but not to unduly restrict the options available to employees with greater seniority. The definition of layoff units may be a series of progressively larger units within an agency when a

valid option in lieu of separation cannot be offered to respective employees within a lesser-sized unit. Employment projects, established under the provisions of WAC 356-30-145, Project employment, are distinct layoff units, separate and exclusive of any other defined layoff unit or employment project. Seasonal career layoff units, established under the provisions of WAC 356-30-130, Seasonal career employment, are distinct layoff units, separate and exclusive of any other defined layoff unit.

(c) Options in lieu of separation by reduction in force shall be offered by an agency only when such options are in accordance with the agency's reduction in force procedure which has been approved by the director of personnel.

(d) Agency reduction in force procedures shall specify the rights and obligations for employees to accept or reject options offered in lieu of separation due to reduction in force.

(e) "Bumping" by employees with greater seniority will be limited to:

- (i) The same layoff unit; and
- (ii) Classification in which the "bumping" employee previously held permanent status; and
- (iii) Position at the current salary range of the employee doing the bumping, or lower; and
- (iv) Employee with the least seniority within the same category of full-time or part-time employment; and
- (v) Competition at one progressively lower classification at a time.

(f) An employee may not exercise a bumping option in lieu of separation due to a reduction in force if there is within the agency a vacant position which satisfies all of the criteria set forth below.

The position is one which:

- (i) The agency intends to fill;
- (ii) Is in the current classification of the employee being offered the option, or in a classification within which the employee being offered the option previously held permanent status;
- (iii) Is at a salary range no lower than the range that would have otherwise been a bumping option;
- (iv) Is located within a reasonable commuting distance of the employee's permanent work location; and
- (v) Is on the same or similar workshift as the one which the employee currently holds.

(g) When an employee has previously held permanent status in more than one classification at the same salary range and is eligible to bump, then the employee shall be offered the option to bump into the position occupied by the employee with the least seniority.

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

(i) Options of full-time positions will be offered first to full-time employees before part-time positions are offered. For the purpose of these offers, employees who previously accepted part-time positions due to a reduction in force action or to lessen the impact of a reduction in force shall be considered full-time employees.

(j) Seniority for part-time employees will be computed on a basic payroll hour basis within the same provision and restrictions of the general definition of seniority. When part-time employees become full-time employees, their payroll hours will be integrated on a comparable time basis as full-time employees.

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

(l) Options of other than permanent positions as named in (m) of this subsection are to be made if no permanent position to be filled is available within a reasonable commuting distance.

(m) The reduction in force procedure shall contain the statement that, "No permanent employee shall be separated from state service through reduction in force without being offered within fifteen calendar days prior to what would be the permanent employee's effective separation those positions at the same or lesser salary range within the layoff unit for which he/she qualifies, currently being held by emergency, temporary, provisional, probationary, or intermittent employees."

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

(3) The agency shall submit the procedure to the director of personnel for approval.

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

(5) When a majority of the positions in a layoff unit other than in project employment is to be eliminated because of a lack of funds and/or work, permanent employees in such positions shall be offered, according to their seniority, those positions in classes in which they have held permanent status which are currently being held by emergency, temporary, provisional, or probationary employees; provided they have not rejected offers of vacant positions made by certifications from the registers. Such options shall be offered in accordance with the following requirements:

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

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

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

(6) In order to exercise an option to a position which may require selective criteria, the following applies. The option may be exercised only by an employee who possesses the required specialized qualifications when:

(a) The criteria were approved when the position was established, reallocated or last filled; or

(b) The specialized qualifications were previously required for a classification that was later merged with other classifications that did not require them; or

(c) When, at a subsequent time, it was determined that the position requires the performance of specialized duties that would warrant future selective certification.

(d) In the case of (c) of this subsection, the selective criteria shall not be applied for the purposes of determining reduction in force options until six months after the notification of the new duties has been made to the department of personnel.

(e) In the case of (a), (b) and (c) of this subsection, the director of personnel or designee must have determined that the specialized qualifications are still essential for the successful job performance and the qualifications could not be learned within a reasonable length of time. [Statutory Authority: RCW 41.06.150, 85-19-080 (Order 232), § 356-30-330, filed 9/18/85; 85-09-030 (Order 221), § 356-30-330, filed 4/12/85. Statutory Authority: RCW 41.06.150, 41.06.175, 41.06-.185, 41.06.195 and 41.06.205. 84-17-042 (Order 209), § 356-30-330, filed 8/10/84. Statutory Authority: RCW 41.06.150. 83-24-002 (Order 193), § 356-30-330, filed 11/28/83; 83-13-091 (Order 186), § 356-30-330, filed 6/17/83; 83-08-010 (Order 181), § 356-30-330, filed 3/25/83; 83-01-115 (Order 179), § 356-30-330, filed 12/22/82. Statutory Authority: RCW 41.06.150(17). 82-19-092 (Order 175), § 356-30-330, filed 9/22/82; 81-20-060 (Order 161), § 356-30-330, filed 10/5/81; Order 112, § 356-30-330, filed 11/7/77; Order 63, § 356-30-330, filed 2/26/74; Order 58, § 356-30-330, filed 9/10/73; Order 36, § 356-30-330, filed 7/1/71, effective 8/1/71. Formerly WAC 356-24-400.]

Chapter 356-34 WAC

DISCIPLINARY ACTIONS—APPEALS

WAC

356-34-010 Disciplinary actions—Causes for demotion—Suspension—Reduction in salary—Dismissal.

WAC 356-34-010 Disciplinary actions—Causes for demotion—Suspension—Reduction in salary—Dismissal.

(1) Appointing authorities may demote, suspend, reduce in salary, or dismiss a permanent employee under their jurisdiction for any of the following causes:

(a) Neglect of duty.

(b) Inefficiency.

(c) Incompetence.

(d) Insubordination.

(e) Indolence.

(f) Conviction of a crime involving moral turpitude.

(g) Malfeasance.

(h) Gross misconduct.

(i) Willful violation of the published employing agency or department of personnel rules or regulations.

(2) Appointing authorities shall dismiss any employee under their jurisdiction whose performance is so inadequate as to warrant dismissal.

(3) Appointing authorities shall remove from supervisory positions those supervisors who, in violation of subsection (2) of this section, have tolerated the continued employment of employees under their supervision whose performance has warranted termination from state employment. [Statutory Authority: RCW 41.06.150. 85-19-078 (Order 230), § 356-34-010, filed 9/18/85; Order 36, § 356-34-010, filed 7/1/71, effective 8/1/71. Formerly WAC 356-24-330.]

Chapter 356-35 WAC
DISABILITY--SEPARATION--APPEALS--
PROCEDURES

WAC

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

WAC 356-35-010 Disability--Separation--Appeals--Procedures. (1) When a permanent employee becomes disabled, employment may be terminated by the appointing authority after a minimum of 60 calendar days written notice, provided that the employee shall be allowed to exhaust accrued sick leave before separation if the disability prevents attendance at work. If the employee is unable to work due to the disability during the notice period and there is no paid leave available, the absence shall be considered approved leave without pay. Separations due to disability shall not be considered disciplinary actions and shall be appealable to the personnel appeals board on grounds that a disability does not exist. The 60 calendar days notice shall not be required when the employee requests and the appointing authority approves a shorter notice period.

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

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

(4) During the notice period required by subsection (1) of this section the agency shall inform employees being separated due to disability that they may be eligible for benefits/assistance programs such as employees' insurance plans, Social Security, worker's compensation, veteran's benefits, public assistance, disability retirement, and vocational rehabilitation.

(5) The names of permanent employees who have been separated because of disability shall be placed on reduction in force and promotional registers by the director of personnel as provided in WAC 356-26-030 upon submission of a statement from a physician or licensed mental health professional that they are able to perform the duties of the class(es) for which the registers are established. [Statutory Authority: RCW 41.06.150. 85-14-008 (Order 224), § 356-35-010, filed 6/24/85; 84-23-059 (Order 211), § 356-35-010, filed 11/20/84; 83-24-002 (Order 193), § 356-35-010, filed 11/28/83. Statutory Authority: RCW 41.06.150(17). 82-09-022 (Order 169), § 356-35-010, filed 4/12/82; 81-20-060 (Order 161), § 356-35-010, filed 10/5/81; Order 58, § 356-35-010, filed 9/10/73.]

Chapter 356-42 WAC
LABOR RELATIONS

WAC

356-42-050 Contents of written agreements.
356-42-055 Arbitration--Grievance--Procedure.

WAC 356-42-050 Contents of written agreements.

(1) Written agreements may contain provisions covering all personnel matters over which the appointing authority of the appropriate bargaining unit of such agency may lawfully exercise discretion.

(2) Written agreements shall include a grievance procedure for processing individual and group grievances within the bargaining unit and shall provide for mediation by the director of personnel or his designee. Requests for mediation must be submitted in writing to the director of personnel no later than thirty calendar days from the date of the agency's written response at the final internal step of the procedure. Grievance procedures shall also provide for arbitration by the board in accordance with WAC 356-42-055.

(3) Written agreements may contain provisions for payroll deduction of employee organization dues upon authorization by the employee member. Any employee may cancel his payroll deduction of employee organization dues by filing a written notice with the appointing authority and the employee organization thirty calendar days prior to the effective date of such cancellation. Where union shop union security provisions exist, payroll deduction rights shall also extend to those employees who, because of religious tenets, pay a union shop fee.

(4) The initial term of written agreements shall not exceed three years. Automatic renewal or extension provisions may extend the period of the contract for a period not to exceed one year at a time.

(5) Written agreements shall be filed with the director. Provisions of such agreements shall not prevail if in conflict with the merit system rule, the state civil service law or other applicable law. [Statutory Authority: RCW 41.06.150. 84-21-071 (Order 210), § 356-42-050, filed 10/17/84; Order 57, § 356-42-050, filed 7/31/73; Order 49, § 356-42-050, filed 8/17/72; Order 36, § 356-42-050, filed 7/1/71, effective 8/1/71. Formerly WAC 356-32-050.]

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

(1) The request for arbitration shall be in the form of a complaint. It shall be filed on a form supplied by the personnel board, or in a writing containing the same information as required on the form within thirty calendar days from the date the director of personnel or designee indicates in writing that the mediation is at impasse. The request shall state the following:

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

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

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

(d) A listing of the applicable sections of the collective bargaining agreement, rules, policies, etc., upon which the grievance is based and which are claimed to be violated. A copy of the collective bargaining agreement or of the pertinent sections of the agreement shall be attached to the request for arbitration.

(e) A statement of the relief sought.

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

(2) By mutual agreement the parties to the grievance may extend the thirty-day time frame for requesting arbitration established in subsection (1) of this section. Agreements to extend the time frame shall be reported in writing by the parties to the director of personnel.

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

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

opposing party(ies). Any refusal by the personnel board's hearings coordinator to serve the request for arbitration on the opposing party is reviewable by the personnel board upon motion of the requesting party.

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

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

(7) The grievant shall have the burden of proof and shall go forward with the evidence. [Statutory Authority: RCW 41.06.150. 84-23-059 (Order 211), § 356-42-055, filed 11/20/84. Statutory Authority: RCW 41.06.150(17). 82-22-020 (Order 177), § 356-42-055, filed 10/26/82.]

Chapter 356-46 WAC MISCELLANEOUS

WAC

356-46-060 Agencies—Personnel records.
356-46-130 Repealed.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

356-46-130 State housing committee—Responsibilities. [Statutory Authority: RCW 41.06.150. 84-10-054 (Order 202), § 356-46-130, filed 5/2/84. Statutory Authority: RCW 41.06.150(17). 81-20-060 (Order 161), § 356-46-130, filed 10/5/81; 78-07-008 (Order 121), § 356-46-130, filed 6/12/78; Order 106, § 356-46-130, filed 7/25/77; Order 103, § 356-46-130, filed 6/23/77; Order 100, § 356-46-130, filed 3/30/77.] Repealed by 85-09-030 (Order 221), filed 4/12/85. Statutory Authority: RCW 41.06.150.

WAC 356-46-060 Agencies—Personnel records. (1) Each agency shall maintain a record of each employee showing the name, title, position held, organizational assignment, salary, changes of employment status, attendance, leaves, annual performance evaluations, and such other information as may be necessary for the administration of regulations. Personnel records shall be open to the inspection of the personnel board and the director of personnel or designee and, depending on the functional

requirement of the content of each individual record, shall accompany the employee throughout his/her service career.

(2) Agencies shall publish policies pertaining to the retention and confidentiality of personnel records in accordance with these rules and chapter 40.14 RCW which are consistent with the following requirements:

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

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

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

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

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

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

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

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

(3) The agency shall submit its policy relating to the retention and confidentiality of personnel records to the director of personnel for approval and filing. [Statutory Authority: RCW 41.06.150, 41.06.169, 41.06.175, 41.06.185, 41.06.195 and 41.06.205. 84-17-042 (Order 209), § 356-46-060, filed 8/10/84. Statutory Authority: RCW 41.06.150. 84-04-022 (Order 197), § 356-46-

060, filed 1/24/84. Statutory Authority: RCW 41.06.150(17). 82-22-020 (Order 177), § 356-46-060, filed 10/26/82; 80-06-033 (Order 144), § 356-46-060, filed 5/9/80; Order 100, § 356-46-060, filed 3/30/77; Order 36, § 356-46-060, filed 7/1/71, effective 8/1/71. Formerly WAC 356-32-210, 356-32-220.]

WAC 356-46-130 Repealed. See Disposition Table at beginning of this chapter.

Chapter 356-49 WAC

INTER-SYSTEM EMPLOYMENT

WAC

356-49-010	Inter-system employment—Purpose.
356-49-020	Application of rules.
356-49-030	Eligibility—Higher education personnel board permanent classified employee—Definition.
356-49-040	Inter-system movement between higher education personnel board/state personnel board jurisdiction.

WAC 356-49-010 Inter-system employment—Purpose. The general purpose of this chapter is to permit permanent classified employees of the higher education personnel board to promote, transfer, or voluntarily demote to permanent classified positions under the jurisdiction of the state personnel board via the inter-system employment register. [Statutory Authority: RCW 41.06.150. 84-11-091 (Order 204), § 356-49-010, filed 5/23/84, effective 9/1/84.]

WAC 356-49-020 Application of rules. Insofar as they do not conflict with the provisions of chapter 356-49 WAC, upon movement into the classified service under the jurisdiction of the state personnel board, the remainder of the merit system rules will apply. [Statutory Authority: RCW 41.06.150. 84-11-091 (Order 204), § 356-49-020, filed 5/23/84, effective 9/1/84.]

WAC 356-49-030 Eligibility—Higher education personnel board permanent classified employee—Definition. An employee who is currently employed and who has gained permanent status at an institution governed by the higher education personnel board. [Statutory Authority: RCW 41.06.150. 84-11-091 (Order 204), § 356-49-030, filed 5/23/84, effective 9/1/84.]

WAC 356-49-040 Inter-system movement between higher education personnel board/state personnel board jurisdiction. (1) Permanent classified employees desiring to promote, transfer, or voluntarily demote to state personnel board classified positions must:

(a) Submit a Washington state application for employment in accordance with a current examination announcement.

(b) Successfully complete the designated examination.

(c) Have their name placed on the appropriate register as provided in WAC 356-26-070.

(d) Be certified to vacancy(ies) as provided in WAC 356-26-070.

(e) Serve a trial service period of six months. If the trial service period is not satisfactorily completed, the

employee shall be placed on the appropriate eligible list as provided by the higher education personnel board rules (Title 251 WAC).

(2) Permanent classified employees desiring to promote, transfer, or voluntarily demote to state personnel board classified positions will:

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

(b) Bring their accumulated vacation leave, sick leave and seniority with them; however, continued accumulation will be governed by the appropriate merit system rules.

(c) Retain their former periodic increment date except upon promotion as provided by WAC 356-14-120.

(3) Classified employees under the jurisdiction of the higher education personnel board who have been or are going to be separated because of reduction in force action shall be certified to any vacant classified positions under the jurisdiction of the state personnel board, provided:

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

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

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

(d) The employees are being offered the opportunity according to the department of personnel procedure established for that purpose. [Statutory Authority: RCW 41.06.150, 85-21-113 (Order 237), § 356-49-040, filed 10/23/85, effective 12/1/85; 84-11-091 (Order 204), § 356-49-040, filed 5/23/84, effective 9/1/84.]

Title 358 WAC

PERSONNEL APPEALS BOARD

Chapter

358-30 Hearings--Procedures.

Chapter 358-30 WAC

HEARINGS--PROCEDURES

WAC

- 358-30-030 Hearings.
- 358-30-210 Appeals to superior court.
- 358-30-220 Record for the court--Transcripts on appeal.

WAC 358-30-030 Hearings. (1) Hearings on all appeals shall be open to the public unless the personnel appeals board or hearings examiner determines there is substantial reason for not having an open hearing, or the employee so requests.

(2) The hearing shall be informal. Technical rules of evidence shall not apply to the proceedings, except for the rules of privilege recognized by law.

(3) All parties may select representatives of their choosing, present and cross-examine witnesses, and give evidence before the personnel appeals board or hearings examiner.

(4) All testimony shall be on oath administered by a member of the personnel appeals board or hearings examiner.

(5) One member of the personnel appeals board may hold a hearing and take testimony to be reported for action by the board. Any such hearing shall be done only at the direction of the chairperson of the board or as provided in these rules.

(6) The personnel appeals board or hearings examiner shall prepare an official record of the hearing, including all testimony recorded manually or by mechanical device, and exhibits.

(7) The personnel appeals board or hearings examiner shall not be required to transcribe such record unless requested by the parties. A transcript can be obtained:

(a) If the proceedings before the hearings examiner or board were recorded by a court reporter, a transcript can be ordered from the court reporter.

(b) If the proceedings were recorded mechanically, a copy of transcript can be ordered from the board for \$2.50 a page. Copies of cassettes may be obtained for \$5.00 for the first tape and \$3.00 for each additional tape. [Statutory Authority: Chapter 41.64 RCW, 85-20-001 (Order 85-2), § 358-30-030, filed 9/19/85; 82-01-053 (Order 81-4), § 358-30-030, filed 12/16/81.]

WAC 358-30-210 Appeals to superior court. Within 30 calendar days after the recording and mailing of a personnel appeals board order in appeal cases provided for in RCW 41.06.170(2), the employee may appeal to the Thurston County superior court as provided in RCW 41.64.130. The grounds for the appeal shall be stated in a written notice of appeal filed with the court, with copies thereof served on a member of the board or the executive secretary and on the employing agency, all within the appeal period. [Statutory Authority: Chapter 41.64 RCW, 85-20-001 (Order 85-2), § 358-30-210, filed 9/19/85; 82-01-053 (Order 81-4), § 358-30-210, filed 12/16/81.]

WAC 358-30-220 Record for the court--Transcripts on appeal. (1) By stipulation the parties may agree to shorten the record to be filed with the court. The appellant shall contact counsel for the respondent to discuss stipulating to a shortened record. Either party unreasonably refusing to stipulate to such a limitation may be ordered by the court to pay the additional costs involved.

(2) Within 10 days after filing the notice of appeal, the appellant will notify the board in writing of the portion of the record to be filed.

(3) The transcript certified to the court will be paid for by the board.