

payment period and continue until the remainder of the repayment obligation is satisfied.

(7) Collection of repayments. The board is responsible for collection of repayments made under this section and shall exercise due diligence in such collection, maintaining all necessary records to ensure that maximum repayments are made.

(a) The board is responsible to forgive all or parts of such repayments under the criteria established by the board and shall maintain all necessary records of forgiven payments.

(8) Receipts from the payment of principal or interest or any other subsidies to which the board as administrator is entitled, which are aid [paid] by or on behalf of participants under this section, shall be deposited with the higher education coordinating board and shall be used to cover the costs of granting the conditional scholarships, maintaining necessary records, and making collections. All receipts beyond those necessary to pay such costs shall be used to grant conditional scholarships to eligible students.

[Statutory Authority: 1988 c 242. 88-14-089 (Order 6-88, Resolution No. 88-14), § 250-67-060, filed 7/5/88.]

**Title 251 WAC
HIGHER EDUCATION PERSONNEL
BOARD**

Chapters

251-01	Definitions.
251-04	General provisions.
251-05	Public records.
251-06	Classification.
251-07	Personnel files.
251-08	Compensation.
251-10	Resignation and layoff.
251-11	Discipline.
251-12	Appeals.
251-14	Collective bargaining.
251-17	Recruitment--Examination.
251-18	Certification.
251-19	Appointment.
251-22	Holidays--Leave.
251-23	Affirmative action.
251-24	Employee development and training.

**Chapter 251-01 WAC
DEFINITIONS**

WAC	
251-01-028	Anniversary date.
251-01-040	Availability.
251-01-057	Child care emergency.
251-01-072	Comparable worth adjustment indicator.
251-01-110	Director.
251-01-172	Family members.
251-01-175	Final examination score.
251-01-190	Goals.
251-01-255	Lead.
251-01-258	Nonassociation fee.

251-01-300	Position.
251-01-335	Provisional appointment.
251-01-367	Representation fee.
251-01-382	Salary range.
251-01-392	Standard range.
251-01-400	Supplemental certification.
251-01-415	Temporary appointment.
251-01-435	Trial service.
251-01-445	Union shop.
251-01-455	Repealed.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

251-01-455	Union shop representation fee. [Statutory Authority: RCW 28B.16.100. 86-09-078 (Order 147), § 251-01-455, filed 4/22/86.] Repealed by 88-18-018 (Order 172), filed 8/29/88, effective 10/1/88. Statutory Authority: RCW 28B.16.100.
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WAC 251-01-028 Anniversary date. The most recent date of hire into state service which is used in determining if vacation leave in excess of two hundred forty hours is to be extinguished.

[Statutory Authority: RCW 28B.16.100. 88-13-018 (Order 169), § 251-01-028, filed 6/6/88, effective 8/1/88.]

WAC 251-01-040 Availability. An estimate, based on the best data available, of the number of women, racial/ethnic minorities, persons in the protected age category, Vietnam-era and disabled veterans, and persons of disability who have the skills and abilities required for employment in a particular job group as determined from an analysis of relevant data. The determination of the availability of protected group members shall be based on consideration of the following factors:

- (1) The protected group population of the relevant labor market.
- (2) The size of the protected group unemployment force in the relevant labor market.
- (3) The percentage of the protected group work force as compared with the total work force in the relevant labor market.
- (4) The general availability of protected group members having requisite skills in the relevant labor market.
- (5) The availability of protected group members having requisite skills in an area in which the institution can reasonably recruit.
- (6) The availability of promotable and transferable protected group members within the institution.
- (7) The existence of training institutions capable of training persons in the requisite skills.
- (8) The degree of training which the institution is reasonably able to undertake as a means of making all job classes available to protected group members.

The availability estimates shall be based upon an analysis of the factors determined to be relevant to the particular job class/category.

[Statutory Authority: RCW 28B.16.100. 87-16-045 (Order 158), § 251-01-040, filed 7/29/87, effective 9/1/87; 86-09-078 (Order 147), § 251-01-040, filed 4/22/86.]

WAC 251-01-057 Child care emergency. A situation causing an employee's inability to report for or continue scheduled work because of emergency child care

requirements ("child" as identified in WAC 251-01-172), such as unexpected absence of regular care provider, unexpected closure of child's school, or unexpected need to pick up child at school earlier than normal.

[Statutory Authority: RCW 28B.16.100. 88-13-019 (Order 168), § 251-01-057, filed 6/6/88; 87-14-051 (Order 156), § 251-01-057, filed 7/1/87, effective 8/1/87.]

WAC 251-01-072 Comparable worth adjustment indicator. A decimal suffix attached to the standard range which identifies the comparable worth entitlement group for a class.

[Statutory Authority: RCW 28B.16.100. 87-20-024 (Order 160), § 251-01-072, filed 9/30/87.]

WAC 251-01-110 Director. The director of the higher education personnel board. The director may delegate in writing his/her authority to a higher education personnel board staff member.

[Statutory Authority: RCW 28B.16.100. 87-21-089 (Order 163), § 251-01-110, filed 10/21/87; 86-09-078 (Order 147), § 251-01-110, filed 4/22/86.]

WAC 251-01-172 Family members. Individuals considered to be members of the family are mother, father, sister, brother, mother-in-law, father-in-law, husband, wife, grandparent, grandchild, son, daughter, stepchild, a child in the custody of and residing in the home of an employee.

[Statutory Authority: RCW 28B.16.100. 87-14-051 (Order 156), § 251-01-172, filed 7/1/87, effective 8/1/87.]

WAC 251-01-175 Final examination score. An applicant's final passing score on an examination, plus any veterans preference or other applicable credits added in accordance with WAC 251-17-150 and/or 251-18-180 (10)(b).

[Statutory Authority: RCW 28B.16.100. 88-02-017 (Order 164), § 251-01-175, filed 12/30/87, effective 2/1/88; 86-09-078 (Order 147), § 251-01-175, filed 4/22/86.]

WAC 251-01-190 Goals. (Hiring and/or promotion.) The projected number of hires and/or promotions needed to correct identified areas of underutilization.

[Statutory Authority: RCW 28B.16.100. 87-02-036 (Order 154), § 251-01-190, filed 1/2/87, effective 2/1/87; 86-09-078 (Order 147), § 251-01-190, filed 4/22/86.]

WAC 251-01-255 Lead. An employee who, in addition to his/her other duties, has responsibility regularly to assign, instruct and check the work of others as a significant part of his/her work responsibilities. This definition is not intended to cover professional employees who provide direction to support staff.

[Statutory Authority: RCW 28B.16.100. 88-17-108 (Order 173), § 251-01-255, filed 8/24/88, effective 10/1/88; 86-09-078 (Order 147), § 251-01-255, filed 4/22/86.]

WAC 251-01-258 Nonassociation fee. A fee which an employee who is granted nonassociation as provided in WAC 251-14-058(3) must pay to a union shop exclusive representative. This fee is equivalent to regular

dues of the employee organization less any included monthly premiums for union-sponsored insurance programs.

[Statutory Authority: RCW 28B.16.100. 88-18-018 (Order 172), § 251-01-258, filed 8/29/88, effective 10/1/88.]

WAC 251-01-300 Position. A set of duties and responsibilities normally utilizing the full or part-time employment of one employee.

[Statutory Authority: RCW 28B.16.100. 87-02-036 (Order 154), § 251-01-300, filed 1/2/87, effective 2/1/87; 86-09-078 (Order 147), § 251-01-300, filed 4/22/86.]

WAC 251-01-335 Provisional appointment. Appointment made prior to establishment of an eligible list, per the provisions of WAC 251-19-030. A person so appointed is required to apply through the competitive process to be considered for the position on a permanent basis.

[Statutory Authority: RCW 28B.16.100. 88-02-017 (Order 164), § 251-01-335, filed 12/30/87, effective 2/1/88; 86-09-078 (Order 147), § 251-01-335, filed 4/22/86.]

WAC 251-01-367 Representation fee. A fee in lieu of regular dues which an employee may pay to a union shop exclusive representative. The fee shall constitute an employee's proportionate fair share of the direct costs of negotiating and administering the collective bargaining agreement and of settling grievances, appeals, and disputes, and also the expenses of activities or undertakings normally or reasonably employed to implement or effectuate the duties of the organization as exclusive representative. This fee shall not include the cost of political or ideological activities, or any other activity of the organization, unrelated to the organization's duties as exclusive representative.

[Statutory Authority: RCW 28B.16.100. 88-18-018 (Order 172), § 251-01-367, filed 8/29/88, effective 10/1/88.]

WAC 251-01-382 Salary range. A sequence of minimum, intervening, and maximum dollar amounts designated by the board as the monthly compensation for a class. Salary ranges are identified in the classification/compensation plan by either a whole number (standard range) or a whole number with a decimal suffix (comparable worth adjustment indicator).

[Statutory Authority: RCW 28B.16.100. 87-20-024 (Order 160), § 251-01-382, filed 9/30/87.]

WAC 251-01-392 Standard range. A salary range identified by a whole number.

[Statutory Authority: RCW 28B.16.100. 87-20-024 (Order 160), § 251-01-392, filed 9/30/87.]

WAC 251-01-400 Supplemental certification. A process by which eligible members of protected groups can be referred to employing officials for the filling of position vacancies in job classes/categories where it has been determined that underutilization exists.

[Statutory Authority: RCW 28B.16.100. 87-02-036 (Order 154), § 251-01-400, filed 1/2/87, effective 2/1/87; 86-09-078 (Order 147), § 251-01-400, filed 4/22/86.]

WAC 251-01-415 Temporary appointment. (1) Work performed in the absence of an employee on leave for:

(a) Less than ninety consecutive calendar days (WAC 251-19-120(4));

(b) Ninety or more consecutive calendar days (WAC 251-19-120(2)); or

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

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

[Statutory Authority: RCW 28B.16.100. 88-02-017 (Order 164), § 251-01-415, filed 12/30/87, effective 2/1/88; 86-09-078 (Order 147), § 251-01-415, filed 4/22/86.]

WAC 251-01-435 Trial service. The initial period of employment following promotion, transfer, demotion, or lateral movement into a class in which the employee has not held permanent status at the institution or related board, beginning with the effective date of the change and continuing for six months, unless interrupted as provided in these rules or extended as provided in WAC 251-19-060(6).

[Statutory Authority: RCW 28B.16.100. 88-02-017 (Order 164), § 251-01-435, filed 12/30/87, effective 2/1/88; 86-09-078 (Order 147), § 251-01-435, filed 4/22/86.]

WAC 251-01-445 Union shop. A union membership provision which, as a condition of employment, requires all employees within a bargaining unit to pay monthly or other periodic dues to an employee organization, or to pay a representation fee or nonassociation fee.

[Statutory Authority: RCW 28B.16.100. 88-18-018 (Order 172), § 251-01-445, filed 8/29/88, effective 10/1/88; 86-09-078 (Order 147), § 251-01-445, filed 4/22/86.]

WAC 251-01-455 Repealed. See Disposition Table at beginning of this chapter.

Chapter 251-04 WAC GENERAL PROVISIONS

WAC
251-04-040 Exemptions.

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

(1) Members of the governing board of each institution/related board; all presidents, vice presidents and their confidential secretaries, administrative and personal assistants; deans, directors, and chairmen; academic personnel; executive heads of major administrative or academic divisions employed by institutions of higher education; and any employee of a community college district whose place of work is one which

is physically located outside the state of Washington and who is employed pursuant to RCW 28B.50.092 and assigned to an educational program operating outside of the state of Washington.

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

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

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

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

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

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

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

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

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

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

(6) Nonclassified employees filling positions identified in subsections (1)(a) and (3) of the definition of "temporary appointment" in WAC 251-01-415.

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

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

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

(10) The governing board of each institution/related board may also exempt from this chapter, subject to the employee's right of appeal to the higher education personnel board, classifications involving research activities, counseling of students, extension or continuing education activities, graphic arts or publications activities requiring prescribed academic preparation or special training, and

principal assistants to executive heads of major administrative or academic divisions, as determined by the higher education personnel board: *Provided*, That no nonacademic employee engaged in office, clerical, maintenance, or food and trades services may be exempted by the higher education personnel board under this provision.

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

(12) Any classified employee having civil service status in a classified position who accepts an appointment in an exempt position shall have the right of reversion to the highest class of position previously held, or to a position of similar nature and salary, within four years from the date of appointment to the exempt position. However, (a) upon the prior request of the appointing authority of the exempt position, the board may approve one extension of no more than four years; and (b) if an appointment was accepted prior to July 10, 1982, then the four-year period shall begin on July 10, 1982. Application for return to classified service must be made not later than thirty calendar days following the conclusion of the exempt appointment.

(13) When action is taken to convert an exempt position to classified status, the effect upon the incumbent of such position shall be as provided in WAC 251-19-160.

[Statutory Authority: RCW 28B.16.100. 88-15-023 (Order 170), § 251-04-040, filed 7/12/88; 88-02-017 (Order 164), § 251-04-040, filed 12/30/87, effective 2/1/88; 87-02-036 (Order 154), § 251-04-040, filed 1/2/87, effective 2/1/87; 84-16-067 (Order 119), § 251-04-040, filed 7/31/84; 82-16-002 (Order 98), § 251-04-040, filed 7/22/82, effective 9/1/82; 82-04-069 (Order 93), § 251-04-040, filed 2/3/82; 78-10-090 (Order 70), § 251-04-040, filed 9/29/78, effective 11/1/78; Order 64, § 251-04-040, filed 12/23/77, effective 1/23/78; Order 63, § 251-04-040, filed 11/22/77, effective 12/22/77; Order 61, § 251-04-040, filed 8/30/77, effective 10/1/77; Order 10, § 251-04-040, filed 12/16/71; Order 4, § 251-04-040, filed 2/19/71; Order 1, § 251-04-040, filed 9/15/69.]

Chapter 251-05 WAC PUBLIC RECORDS

WAC

251-05-060 Records—Availability—Copies.

WAC 251-05-060 Records—Availability—Copies.

(1) Copies of all public records as defined in WAC 251-01-340 and identified in current indexes maintained in the office of the director of the higher education personnel board, shall be available upon written request. Response to such requests will be made in the order received.

(2) Available indexes shall include but not be limited to the following:

- (a) Rules – Title 251 WAC;
- (b) Twenty-day notice and minutes of meetings – regular and special;
- (c) Board orders;

(d) Findings, conclusions and order of hearing examiners;

(e) Annual director's report;

(f) Higher education personnel board budget;

(g) Higher education personnel board revolving fund data;

(h) Staff administrative procedures manual;

(i) Higher education personnel board classification and compensation plan;

(j) Documents filed with the board as required by Title 251 WAC or board order, i.e., reduction in force procedure, holiday schedule, collective bargaining agreement, etc.

(3) No fee will be charged for inspection of public records. Inspection will be during office hours in a space provided by the agency and must be accomplished without excessive interference with the essential function of the agency.

(4) Copies of the records will be made available at actual cost to the agency.

[Statutory Authority: RCW 28B.16.100. 87-02-036 (Order 154), § 251-05-060, filed 1/2/87, effective 2/1/87; Order 61, § 251-05-060, filed 8/30/77, effective 10/1/77; Order 21, § 251-05-060, filed 5/24/73.]

Chapter 251-06 WAC CLASSIFICATION

WAC

251-06-080 Position reallocation—Effect on incumbent.

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

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

(b) When reallocation will require immediate changes in the duties of the position, it will be filled in accord with chapters 251-17 and 251-18 WAC. The incumbent will be given an opportunity to compete for the position. If the employee is not selected, or chooses not to compete, subsection (2)(a), (b), and (d) of this section will apply.

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

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

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

(c) Demote with the position;

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

(3) Establishment of salary and periodic increment following reallocation shall be as provided in WAC 251-08-100 and 251-08-112.

[Statutory Authority: RCW 28B.16.100. 88-02-017 (Order 164), § 251-06-080, filed 12/30/87, effective 2/1/88; 78-10-090 (Order 70), § 251-06-080, filed 9/29/78, effective 11/1/78; Order 61, § 251-06-080, filed 8/30/77, effective 10/1/77; Order 44, § 251-06-080, filed 6/25/75; Order 10, § 251-06-080, filed 12/16/71.]

**Chapter 251-07 WAC
PERSONNEL FILES**

WAC

251-07-010	Classified employee files—General provisions.
251-07-020	Personnel files—Responsibility for.
251-07-030	Adverse materials.
251-07-040	Access.
251-07-050	Destruction or retention of information.
251-07-060	Employee rebuttal.

WAC 251-07-010 Classified employee files—General provisions. Each institution shall maintain an official file of each classified employee, showing a record of employment and such other information required for business and legal purposes. The burden of demonstrating the institution's business or legal need to know rests with the institution.

[Statutory Authority: RCW 28B.16.100. 87-08-056 (Order 155), § 251-07-010, filed 4/1/87, effective 5/1/87.]

WAC 251-07-020 Personnel files—Responsibility for. The personnel officer of each institution is responsible for local administration and management of official classified employee personnel files.

[Statutory Authority: RCW 28B.16.100. 87-08-056 (Order 155), § 251-07-020, filed 4/1/87, effective 5/1/87.]

WAC 251-07-030 Adverse materials. Employees shall be provided a copy of all adverse material placed in the official file at the time the material is included in the file.

[Statutory Authority: RCW 28B.16.100. 87-08-056 (Order 155), § 251-07-030, filed 4/1/87, effective 5/1/87.]

WAC 251-07-040 Access. Upon written request of an employee, the institution shall permit that employee to inspect any or all of his/her own official personnel file. The institution shall also permit the above inspection privilege to an employee's representative upon written authorization by the represented employee. Each institution shall make such file available within a reasonable period of time after the employee or his/her representative requests the file. Copies will be provided in accordance with the institution procedure.

[Statutory Authority: RCW 28B.16.100. 87-08-056 (Order 155), § 251-07-040, filed 4/1/87, effective 5/1/87.]

WAC 251-07-050 Destruction or retention of information. (1) Information shall be retained as long as it has a reasonable bearing on the employee's job performance or upon the efficient and effective management of the institution except as provided in WAC 251-20-040(5).

Adverse material or information related to employee misconduct or alleged misconduct which is determined to be false and all such information in situations where the employee has been fully exonerated of wrong doing shall be promptly destroyed.

(2) Notwithstanding subsection (1) of this section, an institution may retain information relating to employee misconduct or alleged misconduct, if:

(a) The employee requests that the information be retained; or

(b) The information is related to pending legal action or legal actions may reasonably be expected to result.

[Statutory Authority: RCW 28B.16.100. 87-08-056 (Order 155), § 251-07-050, filed 4/1/87, effective 5/1/87.]

WAC 251-07-060 Employee rebuttal. The employee shall have the right to have placed in his/her own personnel file a statement of rebuttal or correction of information contained in the file within a reasonable period of time after the employee becomes aware that the information has been placed in the file.

[Statutory Authority: RCW 28B.16.100. 87-08-056 (Order 155), § 251-07-060, filed 4/1/87, effective 5/1/87.]

**Chapter 251-08 WAC
COMPENSATION**

WAC

251-08-005	Compensation plans—General.
251-08-021	Compensation plans—Salary survey.
251-08-040	Compensation plans—Submission to governor.
251-08-100	Periodic increment date.
251-08-110	Salary—Promotion.
251-08-112	Salary—Reallocation.
251-08-150	Salary—Conversion of exempt position.

WAC 251-08-005 Compensation plans—General. The director shall prepare, and subject to board approval shall periodically revise in a manner consistent with the development of the original plan, compensation plans for all classes. The plans shall provide for:

(1) Full compensation to each employee for all work assigned and performed.

(2) Regular salary increment increases based upon length of service for all employees whose performance is such as to permit them to retain job status in the classified service.

(3) Assignment of each class to a salary range reflecting prevailing rates in other public employment and in private employment in this state or in the locality in which the institution is located, provided funds are available as defined in WAC 251-08-051.

(4) The rates in the salary schedules or plans to be increased if necessary to attain comparable worth.

(5) Equal pay for similar duties, responsibilities, and qualifications among classes as determined by the salary survey process.

(6) Such other provisions as are appropriate in the establishment and maintenance of compensation equity in relation to prevailing practices found in Washington state private industries and other governmental units.

[Statutory Authority: RCW 28B.16.100. 87-08-056 (Order 155), § 251-08-005, filed 4/1/87, effective 5/1/87; Order 61, § 251-08-005, filed 8/30/77, effective 10/1/77.]

WAC 251-08-021 Compensation plans—Salary survey. (1) For purposes of reflecting in salary schedules and in the compensation plans the prevailing rates in other public employment and in private employment in this state or in the locality in which the institution is located, the director shall undertake salary and fringe benefit surveys for the board with the assistance of the various personnel officers and on a joint basis with the department of personnel, with a comprehensive survey to be conducted in the year prior to the convening of every other regular session of the state legislature. A trend survey will be conducted in the year prior to the convening of each regular session of the state legislature for which a comprehensive survey is not conducted.

(2) Salary and fringe benefit surveys shall be conducted according to the following criteria in addition to any other provisions under this chapter:

(a) Adjustments of state salaries to prevailing rates in Washington state private industries and other governmental units shall be determined by comparisons of weighted averages of salaries, including weighted averages of salaries from out-of-state sources when necessary to obtain statistically valid salary surveys; and

(b) Determination of state salary changes from prevailing rate data collected in salary surveys shall be based on occupational group averages containing related job classes where appropriate rather than on comparison of survey data to individual state job classes.

(3) Salary and fringe benefit surveys shall be undertaken in a manner consistent with statistically accurate sampling techniques. For this purpose, a comprehensive salary and fringe benefit survey plan shall be submitted to the director of the office of financial management, employee organizations, the standing committees for appropriations in the senate and house of representatives, and to the legislative budget committee six months before the beginning of each periodic survey required before regular legislative sessions. This comprehensive plan shall include, but not be limited to, the following:

(a) A complete explanation of the technical, statistical process to be used in the salary and fringe benefit survey including the percentage of accuracy expected from the planned statistical sample chosen for the survey and a definition of the term "prevailing rates" which is to be used in the planned survey;

(b) A comprehensive salary and fringe benefit survey model based on scientific statistical principles which:

(i) Encompasses the interrelationships among the various elements of the survey sample including sources of salary and fringe benefit data by organization type, size, and regional location;

(ii) Is representative of private and public employment in this state;

(iii) Ensures that, wherever practical, data from smaller, private firms are included and proportionally weighted in the survey sample; and

(iv) Indicates the methodology to be used in application of survey data to job classes used by state government;

(c) A prediction of the increase or decrease in total funding requirements expected to result from the pending salary and fringe benefit survey based on consumer price index information and other available trend data pertaining to Washington state salaries and fringe benefits.

(4) Every comprehensive survey plan shall fully consider fringe benefits as an element of compensation in addition to basic salary data. The plans shall be developed jointly by the higher education personnel board and the department of personnel. All comprehensive salary and fringe benefit survey plans shall be submitted on a joint signature basis by the higher education personnel board and the department of personnel. The legislative budget committee shall review and evaluate all survey plans before final implementation.

(5) Any interim or special surveys conducted shall conform when possible to the statistical techniques and principles developed for regular periodic surveys.

[Statutory Authority: RCW 28B.16.100. 87-08-056 (Order 155), § 251-08-021, filed 4/1/87, effective 5/1/87; Order 61, § 251-08-021, filed 8/30/77, effective 10/1/77.]

WAC 251-08-040 Compensation plans—Submission to governor. (1) The results of each comprehensive and trend salary and fringe benefit survey as adopted by the board shall be forwarded by the board with recommended salary adjustments to the governor and the director of the office of financial management for their use in preparing budgets to be submitted to the succeeding legislature. Such recommendation shall be advisory only. A copy of the data and supporting documentation shall be furnished by the board to the standing committees for appropriations of the senate and house of representatives.

(2) In the case of comprehensive salary and fringe benefit surveys, the board shall furnish the following supplementary data in support of its recommended salary schedule:

(a) A total dollar figure which reflects the recommended increase or decrease in state salaries as a direct result of the specific salary and fringe benefit survey that has been conducted and which is categorized to indicate what portion of the increase or decrease is represented by salary survey data and what portion is represented by fringe benefit survey data.

(b) An additional total dollar figure which reflects the impact of recommended increases or decreases to state salaries based on other factors rather than directly on

prevailing rate data obtained through the survey process and which is categorized to indicate the sources of the requests for deviation from prevailing rates and the reasons for the changes;

(c) A list of class codes and titles indicating recommended monthly salary ranges for all state classes under the control of the higher education personnel board with:

(i) Those salary ranges which do not substantially conform to the prevailing rates developed from the salary and fringe benefit survey distinctly marked and an explanation of the reason for the deviation included; and

(ii) Those higher education personnel board classes which are substantially the same as classes being used by the department of personnel clearly marked to show the commonality of the classes between the two jurisdictions;

(d) A supplemental salary schedule which indicates the additional salary to be paid state employees for hazardous duties or other considerations requiring extra compensation under specific circumstances. Additional compensation for these circumstances shall not be included in the basic salary schedule but shall be maintained as a separate pay schedule for purposes of full disclosure and visibility; and

(e) A supplemental salary schedule which indicates those cases where the board determines that prevailing rates do not provide similar salaries for positions that require or impose similar responsibilities, judgment, knowledge, skills, and working conditions. This supplementary salary schedule shall contain proposed salary adjustments necessary to eliminate any such dissimilarities in compensation. Additional compensation needed to eliminate such salary dissimilarities shall not be included in the basic salary schedule but shall be maintained as a separate salary schedule for purposes of full disclosure and visibility.

[Statutory Authority: RCW 28B.16.100. 87-08-056 (Order 155), § 251-08-040, filed 4/1/87, effective 5/1/87; Order 61, § 251-08-040, filed 8/30/77, effective 10/1/77; Order 1, § 251-08-040, filed 9/15/69.]

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

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

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

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

(a) Upon completion of six months in the class for those appointed at the first step in the salary range; or

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

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

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

(b) Upon reappointment of a probationary employee during the probationary period, the former periodic increment date will be eliminated and a new date established as provided in subsection (2) of this section;

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

(d) When a leave of absence without pay exceeds ten working days in any calendar month, or exceeds ten consecutive working days, the date will be extended by one month, except as provided by WAC 251-22-165(5), 251-22-180, and 251-19-130;

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

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

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

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

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

(5) The periodic increment date for incumbents of exempt positions which are converted to classified status shall be established as provided in WAC 251-19-160.

[Statutory Authority: RCW 28B.16.100. 88-15-023 (Order 170), § 251-08-100, filed 7/12/88; 88-02-017 (Order 164), § 251-08-100, filed 12/30/87, effective 2/1/88; 87-14-051 (Order 156), § 251-08-100, filed 7/1/87, effective 8/1/87; 85-16-038 (Order 134), § 251-08-100, filed 7/31/85, effective 9/1/85; 83-10-029 (Order 105), § 251-08-100, filed 4/29/83, effective 6/1/83; 78-06-068 (Order 68), § 251-08-100, filed 5/25/78, effective 7/1/78; Order 64, § 251-08-100, filed 12/23/77; Order 61, § 251-08-100, filed 8/30/77, effective 10/1/77; Order 29, § 251-08-100, filed 1/22/74; Order 21, § 251-08-100, filed 5/24/73; Order 18, § 251-08-100, filed 10/25/72, effective 7/1/73.]

WAC 251-08-110 Salary--Promotion. An employee who is promoted shall be paid at the salary step which represents at least a two step increase over the salary received immediately prior to the promotion as determined by the personnel officer. The increase shall be calculated by moving up to the standard range on the current step, moving to that dollar amount on the new standard range, moving over two steps, and down to the

salary range for the class. All promotional increases must be within the salary range for the class.

[Statutory Authority: RCW 28B.16.100. 87-20-024 (Order 160), § 251-08-110, filed 9/30/87; Order 61, § 251-08-110, filed 8/30/77, effective 10/1/77; Order 29, § 251-08-110, filed 1/22/74; Order 21, § 251-08-110, filed 5/24/73; Order 18, § 251-08-110, filed 10/25/72, effective 7/1/73; Order 1, § 251-08-110, filed 9/15/69.]

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

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

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

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

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

(c) A reallocation which results from the board's abolishment of a class will be effective the date of the board's action.

[Statutory Authority: RCW 28B.16.100. 88-02-027 (Order 166), § 251-08-112, filed 12/31/87, effective 2/1/88; 87-20-024 (Order 160), § 251-08-112, filed 9/30/87; 78-06-068 (Order 68), § 251-08-112, filed 5/25/78, effective 7/1/78; Order 61, § 251-08-112, filed 8/30/77, effective 10/1/77.]

WAC 251-08-150 Salary--Conversion of exempt position. The incumbent of an exempt position converted to classified status per the provisions of WAC 251-19-160 shall be placed at the first step within the salary range or range extension which is not less than the current exempt salary.

[Statutory Authority: RCW 28B.16.100. 88-02-017 (Order 164), § 251-08-150, filed 12/30/87, effective 2/1/88; Order 64, § 251-08-150, filed 12/23/77.]

Chapter 251-10 WAC RESIGNATION AND LAYOFF

WAC

251-10-020	Resignation--Withdrawals.
251-10-030	Layoff.
251-10-035	Layoff--Special employment programs.
251-10-055	Layoff lists--Institution-wide.
251-10-105	Repealed.
251-10-108	Repealed.

251-10-110	Repealed.
251-10-111	Repealed.
251-10-120	Repealed.
251-10-130	Repealed.
251-10-140	Repealed.
251-10-150	Repealed.
251-10-160	Repealed.
251-10-170	Repealed.
251-10-180	Repealed.
251-10-190	Repealed.
251-10-195	Repealed.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

251-10-105	Notice of unsatisfactory work. [Statutory Authority: RCW 28B.16.100. 86-06-033 (Order 144), § 251-10-105, filed 2/28/86, effective 4/1/86.] Repealed by 88-22-057 (Order 174), filed 11/1/88. Statutory Authority: RCW 28B.16.100.
251-10-108	Preseparation or predisciplinary notice. [Statutory Authority: RCW 28B.16.100. 87-08-056 (Order 155), § 251-10-108, filed 4/1/87, effective 5/1/87.] Repealed by 88-22-057 (Order 174), filed 11/1/88. Statutory Authority: RCW 28B.16.100.
251-10-110	Demotion, suspension, reduction, separation, dismissal--Cause for. [Statutory Authority: RCW 28B.16.100. 86-06-033 (Order 144), § 251-10-110, filed 2/28/86, effective 4/1/86; 82-10-006 (Order 95), § 251-10-110, filed 4/26/82, effective 6/1/82; 81-18-039 (Order 90), § 251-10-110, filed 8/28/81, effective 10/1/81; Order 61, § 251-10-110, filed 8/30/77, effective 10/1/77.] Repealed by 88-22-057 (Order 174), filed 11/1/88. Statutory Authority: RCW 28B.16.100.
251-10-111	Removal from supervisory positions. [Statutory Authority: RCW 28B.16.100. 86-06-033 (Order 144), § 251-10-111, filed 2/28/86, effective 4/1/86.] Repealed by 88-22-057 (Order 174), filed 11/1/88. Statutory Authority: RCW 28B.16.100.
251-10-120	Dismissal/separation--Grounds for--Notice. [Statutory Authority: RCW 28B.16.100. 87-08-056 (Order 155), § 251-10-120, filed 4/1/87, effective 5/1/87; 85-06-017 (Order 125), § 251-10-120, filed 2/25/85, effective 4/1/85; 83-10-029 (Order 105), § 251-10-120, filed 4/29/83, effective 6/1/83; Order 61, § 251-10-120, filed 8/30/77, effective 10/1/77.] Repealed by 88-22-057 (Order 174), filed 11/1/88. Statutory Authority: RCW 28B.16.100.
251-10-130	Suspension--Grounds for--Duration--Notice. [Order 61, § 251-10-130, filed 8/30/77, effective 10/1/77.] Repealed by 88-22-057 (Order 174), filed 11/1/88. Statutory Authority: RCW 28B.16.100.
251-10-140	Immediate dismissal. [Statutory Authority: RCW 28B.16.100. 87-08-056 (Order 155), § 251-10-140, filed 4/1/87, effective 5/1/87; 84-12-047 (Order 117), § 251-10-140, filed 6/1/84; 83-20-020 (Order 108), § 251-10-140, filed 9/23/83, effective 10/24/83; 82-16-002 (Order 98), § 251-10-140, filed 7/22/82, effective 9/1/82; 78-06-068 (Order 68), § 251-10-140, filed 5/25/78, effective 7/1/78; Order 61, § 251-10-140, filed 8/30/77, effective 10/1/77.] Repealed by 88-22-057 (Order 174), filed 11/1/88. Statutory Authority: RCW 28B.16.100.
251-10-150	Reduction, demotion--Procedure. [Order 61, § 251-10-150, filed 8/30/77, effective 10/1/77.] Repealed by 88-22-057 (Order 174), filed 11/1/88. Statutory Authority: RCW 28B.16.100.
251-10-160	Withdrawal or amendment of charges--Time limitation. [Statutory Authority: RCW 28B.16.100. 84-16-067 (Order 119), § 251-10-160, filed 7/31/84; Order 61, § 251-10-160, filed 8/30/77, effective 10/1/77.] Repealed by 88-22-057 (Order 174), filed 11/1/88. Statutory Authority: RCW 28B.16.100.
251-10-170	Dismissal--Union shop--Notice--Recision. [Statutory Authority: RCW 28B.16.100. 88-18-018 (Order 172), § 251-10-170, filed 8/29/88, effective

- 10/1/88; Order 61, § 251-10-170, filed 8/30/77, effective 10/1/77.] Repealed by 88-22-057 (Order 174), filed 11/1/88. Statutory Authority: RCW 28B.16.100.
- 251-10-180 Presumption of resignation—Unauthorized absence. [Order 61, § 251-10-180, filed 8/30/77, effective 10/1/77.] Repealed by 88-22-057 (Order 174), filed 11/1/88. Statutory Authority: RCW 28B.16.100.
- 251-10-190 Probationary period—Rejection. [Order 61, § 251-10-190, filed 8/30/77, effective 10/1/77.] Repealed by 88-22-057 (Order 174), filed 11/1/88. Statutory Authority: RCW 28B.16.100.
- 251-10-195 Trial service reversion. [Statutory Authority: RCW 28B.16.100. 88-02-017 (Order 164), § 251-10-195, filed 12/30/87, effective 2/1/88; 87-02-036 (Order 154), § 251-10-195, filed 1/2/87, effective 2/1/87; Order 61, § 251-10-195, filed 8/30/77, effective 10/1/77.] Repealed by 88-22-057 (Order 174), filed 11/1/88. Statutory Authority: RCW 28B.16.100.

WAC 251-10-020 Resignation--Withdrawals. (1)

Any employee may resign from service and should present, at least fourteen calendar days in advance of the effective date, his/her resignation either orally or in writing to the employing official.

(2) A permanent employee has the right to withdraw his/her resignation provided that written notice of the withdrawal is received by the institution within seventy-two hours excluding Sundays and holidays after submitting the resignation.

(3) An employing official may permit withdrawal of a resignation at any time.

[Statutory Authority: RCW 28B.16.100. 87-16-045 (Order 158), § 251-10-020, filed 7/29/87, effective 9/1/87; Order 61, § 251-10-020, filed 8/30/77, effective 10/1/77; Order 1, § 251-10-020, filed 9/15/69.]

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

(2) Each institution shall develop for approval by the director a layoff procedure based upon layoff seniority as defined in WAC 251-01-245, to include as a minimum:

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

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

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

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

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

options to comparable position(s), as determined by the personnel officer, in:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(10) Layoff actions for employees of special employment programs as identified in WAC 251-19-150 shall be administered as provided in WAC 251-10-035.

[Statutory Authority: RCW 28B.16.100. 88-22-057 (Order 174), § 251-10-030, filed 11/1/88; 88-02-017 (Order 164), § 251-10-030, filed 12/30/87, effective 2/1/88; 87-02-036 (Order 154), § 251-10-030, filed 1/2/87, effective 2/1/87; 85-16-038 (Order 134), § 251-10-030, filed 7/31/85, effective 9/1/85; 82-07-074 (Order 94), § 251-10-030, filed 3/23/82; 79-07-096 (Order 76), § 251-10-030, filed 6/29/79, effective 8/1/79; 79-03-029 (Order 71), § 251-10-030, filed 2/27/79, effective 4/2/79; Order 61, § 251-10-030, filed 8/30/77, effective 10/1/77; Order 44, § 251-10-030, filed 6/25/75; Order 41, § 251-10-030, filed 3/17/75; Order 35, § 251-10-030, filed 7/23/74; Order 32, § 251-10-030, filed 3/19/74; Order 8, § 251-10-030, filed 6/17/71, effective 7/19/71; Order 4, § 251-10-030, filed 2/19/71; Order 1, § 251-10-030, filed 9/15/69.]

WAC 251-10-035 Layoff--Special employment programs. (1) Institutions participating in special employment programs qualifying under the conditions identified in WAC 251-19-150 shall establish a special employment program layoff unit.

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

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

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

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

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

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

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

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

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

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

(7) The names of employees scheduled for layoff or actually laid off from service within a class shall be placed on the special employment program layoff list as provided in WAC 251-18-180.

[Statutory Authority: RCW 28B.16.100. 88-22-057 (Order 174), § 251-10-035, filed 11/1/88; 88-02-017 (Order 164), § 251-10-035, filed 12/30/87, effective 2/1/88; 85-16-038 (Order 134), § 251-10-035, filed 7/31/85, effective 9/1/85; 82-19-067 (Order 102), § 251-10-035, filed 9/20/82, effective 10/25/82; 79-07-096 (Order 76), § 251-10-035, filed 6/29/79, effective 8/1/79; Order 61, § 251-10-035, filed 8/30/77, effective 10/1/77; Order 44, § 251-10-035, filed 6/25/75.]

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

(1) The names of persons identified in subsection (6) of this section, permanent and probationary employees who are scheduled for layoff, who have been laid off from service within a class or service to the institution, or who have accepted a lower option in lieu of layoff shall be placed on the institution-wide layoff list(s) for those class(es) in which they have held permanent status, probationary (if within the same class series as the list), or trial service appointment status within the current period of employment at the institution provided that:

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

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

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

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

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

(3) Layoff lists shall be institution-wide with eligibles ranked according to layoff seniority as defined in WAC 251-01-245.

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

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

(a) Acceptance of a layoff option or appointment from a layoff list shall cause removal from the list(s) for all classes with the same or lower salary range maximum; except that, unless the employee so requests,

he/she may not be removed via this procedure from the layoff list for the class from which laid off.

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

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

(6) In addition to persons identified in subsection (1) of this section, institution-wide layoff lists shall also contain the names of former employees of the institution/related board who have not successfully completed a trial service period resulting from movement identified in WAC 251-19-110. Such employees shall only have access to the list for the class in which they held permanent status prior to moving via WAC 251-19-110.

[Statutory Authority: RCW 28B.16.100. 88-02-017 (Order 164), § 251-10-055, filed 12/30/87, effective 2/1/88; 87-02-036 (Order 154), § 251-10-055, filed 1/2/87, effective 2/1/87; 85-20-050 (Order 137), § 251-10-055, filed 9/25/85, effective 11/1/85; 84-08-032 (Order 113), § 251-10-055, filed 3/30/84, effective 5/1/84; 82-19-067 (Order 102), § 251-10-055, filed 9/20/82, effective 10/25/82; 81-15-003 (Order 88), § 251-10-055, filed 7/2/81; 78-06-068 (Order 68), § 251-10-055, filed 5/25/78, effective 7/1/78; Order 61, § 251-10-055, filed 8/30/77, effective 10/1/77.]

WAC 251-10-105 Repealed. See Disposition Table at beginning of this chapter.

WAC 251-10-108 Repealed. See Disposition Table at beginning of this chapter.

WAC 251-10-110 Repealed. See Disposition Table at beginning of this chapter.

WAC 251-10-111 Repealed. See Disposition Table at beginning of this chapter.

WAC 251-10-120 Repealed. See Disposition Table at beginning of this chapter.

WAC 251-10-130 Repealed. See Disposition Table at beginning of this chapter.

WAC 251-10-140 Repealed. See Disposition Table at beginning of this chapter.

WAC 251-10-150 Repealed. See Disposition Table at beginning of this chapter.

WAC 251-10-160 Repealed. See Disposition Table at beginning of this chapter.

WAC 251-10-170 Repealed. See Disposition Table at beginning of this chapter.

WAC 251-10-180 Repealed. See Disposition Table at beginning of this chapter.

WAC 251-10-190 Repealed. See Disposition Table at beginning of this chapter.

WAC 251-10-195 Repealed. See Disposition Table at beginning of this chapter.

Chapter 251-11 WAC DISCIPLINE

WAC

251-11-010	Notice of unsatisfactory work.
251-11-020	Predisciplinary notice.
251-11-030	Demotion, suspension, reduction, dismissal—Cause for.
251-11-040	Removal from supervisory positions.
251-11-050	Dismissal—Grounds for—Notice.
251-11-060	Suspension—Grounds for—Duration—Notice.
251-11-070	Immediate dismissal—Cause for.
251-11-080	Reduction, demotion—Procedure.
251-11-090	Withdrawal or amendment of charges—Time limitation.
251-11-100	Dismissal—Union shop—Notice—Recision.
251-11-110	Presumption of resignation—Unauthorized absence.
251-11-120	Probationary period—Rejection.
251-11-130	Trial service reversion.

WAC 251-11-010 Notice of unsatisfactory work.

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.

[Statutory Authority: RCW 28B.16.100. 88-22-057 (Order 174), § 251-11-010, filed 11/1/88.]

WAC 251-11-020 Predisciplinary notice. (1) Prior to dismissal, suspension, immediate dismissal, reduction in salary, or demotion of a permanent employee pursuant to WAC 251-11-050, 251-11-060, 251-11-070, 251-11-080, or 251-11-100, the employing institution/related board shall make reasonable efforts to give the employee:

(a) Oral or written notice of the charges against the employee;

(b) An oral or written explanation of the evidence which forms the basis for the charges;

(c) An oral or written statement of the action being contemplated by the employing official; and

(d) A reasonable opportunity for the employee to present reasons, either orally or in writing, why the proposed action should not be taken.

(2) The requirement in subsection (1)(b) of this section shall not limit the employing institution/related board from presenting a more detailed and complete case at an appeal hearing if the proposed action is taken and the employee appeals.

[Statutory Authority: RCW 28B.16.100. 88-22-057 (Order 174), § 251-11-020, filed 11/1/88.]

WAC 251-11-030 Demotion, suspension, reduction, dismissal—Cause for. (1) Appointing authorities may demote, suspend, reduce in salary, or dismiss an employee under their jurisdiction for just cause. Examples of activities which may result in such action are, but are not limited to: Neglect of duty, inefficiency, incompetence, insubordination, malfeasance, gross misconduct, willful violation of the published institution or related board or higher education personnel board rules or regulations, mistreatment or abuse of fellow workers or

members of the public, conflict of interest, excessive absenteeism, failure to comply with union shop requirements per WAC 251-14-058, etc.

(2) Appointing authorities shall dismiss any employee under their jurisdiction whose performance is so inadequate as to be just cause for dismissal as described in subsection (1) of this section.

[Statutory Authority: RCW 28B.16.100. 88-22-057 (Order 174), § 251-11-030, filed 11/1/88.]

WAC 251-11-040 Removal from supervisory positions. Appointing authorities shall remove from supervisory positions those supervisors who, in violation of WAC 251-11-030(2), have tolerated the continued employment of employees under their supervision whose performance has warranted termination from state employment.

[Statutory Authority: RCW 28B.16.100. 88-22-057 (Order 174), § 251-11-040, filed 11/1/88.]

WAC 251-11-050 Dismissal--Grounds for--Notice. Appointing authorities may dismiss a permanent employee for just cause as specified in WAC 251-11-030. The employee shall be provided written notice of the specified cause(s), specific charges, and the right to appeal the dismissal action to the board. The notice shall be furnished at least fifteen calendar days prior to the effective date of the action (unless the dismissal action is to be effective as provided in WAC 251-11-070) and shall be furnished directly to the employee during his/her scheduled working hours, or if this is not possible because of the absence of the employee during his/her regularly scheduled working hours, mailed by certified letter to the employee's last known address. If the notification is furnished directly to the employee, the day it is furnished shall be counted as a day of notice. If the notification is mailed, the notice shall be considered received the same day as it is postmarked and the notice period shall be computed as provided in WAC 251-04-100.

[Statutory Authority: RCW 28B.16.100. 88-22-057 (Order 174), § 251-11-050, filed 11/1/88.]

WAC 251-11-060 Suspension--Grounds for--Duration--Notice. Appointing authorities may suspend an employee without pay for cause as specified in these rules for a period not exceeding fifteen calendar days as a single penalty or for a total of thirty calendar days in any calendar year as an accumulation of several penalties. The specified cause(s) as provided in WAC 251-11-030, specific charges, duration of the suspension, and notice of the right of appeal shall be furnished to the employee in writing no later than one day after the suspension takes effect. Notice to the employee shall be furnished in the manner provided in WAC 251-04-105.

[Statutory Authority: RCW 28B.16.100. 88-22-057 (Order 174), § 251-11-060, filed 11/1/88.]

WAC 251-11-070 Immediate dismissal--Cause for. After completion of the procedure required in WAC 251-11-020, if an appointing authority determines that

a permanent employee is to be dismissed for cause as provided in WAC 251-11-030 and the circumstances are such that retention of the employee in an active duty status may result in damage to state property or may be injurious to the employee, fellow workers, or the client public, the employee may be dismissed immediately. The employee must be notified in writing as provided in WAC 251-11-050; however, the fifteen calendar days notice requirement does not apply. The notification must state the cause for the dismissal and in addition the necessity for the immediacy of the action.

[Statutory Authority: RCW 28B.16.100. 88-22-057 (Order 174), § 251-11-070, filed 11/1/88.]

WAC 251-11-080 Reduction, demotion--Procedure. Appointing authorities may reduce the salary of a permanent employee within the range or may demote an employee to a class at a lesser pay range for which he/she meets the minimum qualifications. Specific charges in writing for either of these actions shall be furnished to the employee at least fifteen calendar days prior to the effective date of the action.

[Statutory Authority: RCW 28B.16.100. 88-22-057 (Order 174), § 251-11-080, filed 11/1/88.]

WAC 251-11-090 Withdrawal or amendment of charges--Time limitation. Appointing authorities may withdraw or amend demotion, suspension, reduction in salary, or dismissal actions, but not after an appeal of the action has been heard by the board.

[Statutory Authority: RCW 28B.16.100. 88-22-057 (Order 174), § 251-11-090, filed 11/1/88.]

WAC 251-11-100 Dismissal--Union shop--Notice--Recision. Appointing authorities shall dismiss an employee, who is employed within a bargaining unit that has a certified union shop representative, when notified by the union shop representative of the employee's failure to comply with union shop requirements per WAC 251-14-058. The employee shall be furnished with a written notice of the dismissal at least fifteen calendar days prior to the effective date of the action. Prior to the effective date, the dismissal shall be rescinded upon the employee's presenting evidence to the appointing authority of compliance with WAC 251-14-058.

[Statutory Authority: RCW 28B.16.100. 88-22-057 (Order 174), § 251-11-100, filed 11/1/88.]

WAC 251-11-110 Presumption of resignation--Unauthorized absence. An employee may be presumed to have resigned his/her position when there has been an absence without authorized leave from the job for a period of three consecutive working days. Thereafter, a notice acknowledging the presumption of resignation shall be sent by certified mail to the last known address of the employee. Within seven calendar days after the date of service, the employee may petition the appointing authority in writing for reinstatement upon proof that the absence was involuntary or unavoidable. If a permanent employee petitions within the seven calendar

days and is not reinstated, notification shall be given advising of the right to appeal to the higher education personnel board per the provision of WAC 251-12-075.

[Statutory Authority: RCW 28B.16.100. 88-22-057 (Order 174), § 251-11-110, filed 11/1/88.]

WAC 251-11-120 Probationary period--Rejection. An appointing authority may reject an employee who has not completed a probationary period. Written notice of the action must be given to the employee at least one workday (eight hours) prior to the effective date of the action. Written notice should be given directly to the employee. If the employee is unavailable, notification shall be by certified mail. Service of papers shall be as provided in WAC 251-04-105. A probationary employee may not appeal rejection to the board.

[Statutory Authority: RCW 28B.16.100. 88-22-057 (Order 174), § 251-11-120, filed 11/1/88.]

WAC 251-11-130 Trial service reversion. An employee, prior to completing a trial service period, may be reverted by an employing official for failure to perform satisfactorily in the class. When such reversion becomes necessary, the written notice and employee rights upon reversion will be as provided in WAC 251-19-060(3). Trial service reversion is not appealable to the board when the conditions of WAC 251-19-060(4) have been satisfied.

[Statutory Authority: RCW 28B.16.100. 88-22-057 (Order 174), § 251-11-130, filed 11/1/88.]

**Chapter 251-12 WAC
APPEALS**

WAC	
251-12-072	Appeals from eligibility determinations.
251-12-076	Appeals from denial of parental leave requests.
251-12-085	Hearing examiners.
251-12-096	Declaratory rulings.
251-12-097	Declaratory rulings--Form.
251-12-101	Motion(s) for continuance.
251-12-102	Motion for continuance--Procedure.
251-12-103	Dismissal by the board for lack of action.
251-12-240	Burden of proof.
251-12-260	Restoration of rights.
251-12-500	Relief from effect of board's order.
251-12-600	Remedial action.

WAC 251-12-072 Appeals from eligibility determinations. An applicant may appeal the following actions in accord with the provisions of WAC 251-17-170:

- (1) Rejection of his/her application; or
- (2) The results of the institutional examination review process; or
- (3) The conduct of the selection process and/or his/her examination results; or
- (4) Failure to restore his/her name to an eligible list following the institutional review process; or
- (5) Removal of his/her name from an eligible list for reasons other than those specified in WAC 251-18-200(2).

[Statutory Authority: RCW 28B.16.100. 88-02-017 (Order 164), § 251-12-072, filed 12/30/87, effective 2/1/88; 84-24-032 (Order 122), § 251-12-072, filed 11/30/84, effective 1/1/85; Order 61, § 251-12-072, filed 8/30/77, effective 10/1/77.]

WAC 251-12-076 Appeals from denial of parental leave requests. Any permanent employee who is denied parental leave per WAC 251-22-195 may appeal such action to the board. The appeal must be in writing and submitted to the higher education personnel board office within seven calendar days following receipt by the employee of the personnel officer's written notification and rationale for denial. Appeals under this section will be heard by a board hearing examiner and a verbal decision will be rendered within forty-eight hours of the hearing, with a written decision to follow within thirty days. The hearing examiner's determination shall be final and binding.

[Statutory Authority: RCW 28B.16.100. 87-20-025 (Order 161), § 251-12-076, filed 9/30/87.]

WAC 251-12-085 Hearing examiners. (1) The board may appoint one or more hearing examiners to preside over, conduct and make recommended decisions in all cases of employee appeals to the board. The hearing examiner shall conduct hearings in the same manner and shall have the same authority as the presiding board member at hearings before the board.

(2) With the exclusion of WAC 251-12-076, within thirty calendar days of the hearing, the hearing examiner shall issue a recommended decision which shall be transmitted to the board and be served upon the parties by certified mail with a statement regarding the right to file exceptions to the recommended decision.

(3) Within thirty calendar days of service of the recommended decision, any party adversely affected may file written exceptions with the board.

(4) If no written exceptions are filed, the hearing examiner's recommended decision will become final forty calendar days after service of the recommended decision unless within that period the board issues a notice to each of the parties that a hearing will be scheduled for reconsideration of the hearing examiner's recommended decision.

(5) When exceptions are filed, such written statements shall include in detail the specific items of the hearing examiner's recommended decision to which exception is taken. A hearing on the exceptions will be scheduled before the board at which time all parties may present written and/or oral argument on the basis of the transcript and exhibits. Following the hearing on the exceptions the board may affirm, reverse, or modify the recommended findings of fact, conclusions of law and/or decision of the hearing examiner.

[Statutory Authority: RCW 28B.16.100. 87-20-025 (Order 161), § 251-12-085, filed 9/30/87; Order 61, § 251-12-085, filed 8/30/77, effective 10/1/77.]

WAC 251-12-096 Declaratory rulings. As provided in RCW 34.04.080, any interested party may petition the board for a declaratory ruling with respect to the applicability to any person, property, or state of facts of

any rule or statute enforceable by the higher education personnel board. Any such petition must comply with the following requirements and be subject to the following conditions:

(1) The petition must be in writing and must allege facts which the petitioner believes are necessary for the board to consider in issuing its declaratory ruling.

(2) The petition must be filed at the higher education personnel board's office in Olympia.

(3) Upon receipt of a petition for declaratory ruling, the director or designee will acknowledge receipt of the petition and forward the petition to the board for consideration.

(4) The board shall consider the petition without argument and within a reasonable time will:

(a) Notify the petitioner that no declaratory ruling will be issued;

(b) Issue a nonbinding declaratory ruling based on the information in the petition; or

(c) Set a reasonable time and place for an oral hearing, including submission of evidence by the parties if deemed necessary by the board, or submission of written argument upon the matter if the material facts are not in dispute. Reasonable notification will be given to the petitioner of the time and place for such hearing or submission and of the issues it will be considering.

(5) If the board determines that there is another party whose interests are adverse to the petitioner with respect to the ruling requested, and if the board is considering the issuance of a binding declaratory ruling, it may invite participation by that party. If another party is invited to participate, the board shall provide that party with a copy of the notice of hearing referred to in subsection (4)(c) of this section.

(6) The board at any time before taking final action on a petition may request submission of additional facts or argument, including setting the case for oral argument.

(7) If the board proceeds in the manner provided in subsection (4)(c) of this section, it shall within a reasonable time after conclusion of the proceeding:

(a) Issue a binding declaratory ruling;

(b) Issue a nonbinding declaratory ruling; or

(c) Notify the petitioner and any other party to the proceeding that no declaratory ruling will be issued.

(8) A declaratory ruling, if issued after a proceeding as set forth in subsection (4)(c) of this section, and stated to be binding, is binding between the board and the petitioner and any other party to the proceeding on the state of facts alleged, unless it is altered or set aside by a court. Such a ruling is subject to review in the superior court of Thurston County in accordance with RCW 34.04.130.

[Statutory Authority: RCW 28B.16.100. 87-16-045 (Order 158), § 251-12-096, filed 7/29/87, effective 9/1/87.]

WAC 251-12-097 Declaratory rulings—Form. Any interested person petitioning the higher education personnel board for a declaratory ruling pursuant to WAC 251-12-096 shall generally adhere to the following form for such purpose.

At the top of the page shall appear the wording "BEFORE THE HIGHER EDUCATION PERSONNEL BOARD." On the left side of the page below the foregoing, the following caption shall be set out: "In the Matter of the Petition of (Name of Petitioning Party) for a Declaratory Ruling." Opposite the foregoing caption shall appear the phrase: "Petition for Declaratory Ruling."

The body of the petition shall be set out in numbered paragraphs. The first paragraph shall state the name and address of the petitioning party and the name and address, if any, of the representative appearing on behalf of the petitioning party. The second paragraph shall state all rules or statutes that may be brought into issue by the petition. Succeeding paragraphs shall set forth all of the facts which the petitioner wishes the board to consider in issuing a declaratory ruling. The concluding paragraph(s) shall clearly set forth the issues upon which the petitioner wishes the board to rule and the requested ruling(s).

The original and two copies shall be filed with the petition. Petitions shall be on 8-1/2 x 11 inch paper.

Examples of a form petition for declaratory ruling shall be available for reference to any interested person in the office of the higher education personnel board in Olympia.

[Statutory Authority: RCW 28B.16.100. 87-16-045 (Order 158), § 251-12-097, filed 7/29/87, effective 9/1/87.]

WAC 251-12-101 Motion(s) for continuance. Any party to a hearing may make a motion(s) to continue a hearing for good cause shown. Any such motion(s) shall be in writing directed to the person(s) who will be conducting the hearing. The motion(s) shall state the specific reason(s) and the period of time for which a continuance is necessary.

[Statutory Authority: RCW 28B.16.100. 88-22-057 (Order 174), § 251-12-101, filed 11/1/88.]

WAC 251-12-102 Motion for continuance—Procedure. Any party desiring a continuance shall first contact the opposing party to determine whether agreement to a continuance can be reached. The requesting party will immediately notify the board or hearing examiner orally of the request, the reason(s) for the request, and the opposing party's response to the request.

(1) If the opposing party agrees to a continuance, the requesting party shall submit the motion in writing. The motion shall be filed with the director and served on the board or hearing examiner and the opposing party at least five working days prior to the scheduled hearing date. When the requesting party is represented by a union representative, a management representative, or an attorney at law, the requesting party's representative shall be responsible for coordinating a hearing date with the other parties. The board or hearing examiner shall review the motion, make a decision whether or not to grant the continuance, and notify the parties orally of the decision within three working days of receipt of the motion.

(2) If the opposing party does not agree to the continuance, the requesting party shall submit the motion in

writing. The motion shall be filed with the director and served on the board or hearing examiner and served on the opposing party at least five working days prior to the scheduled hearing date. The board or hearing examiner shall review the motion, make a decision whether or not to grant the continuance, and notify the parties orally of the decision within three working days of receipt of the motion.

(3) In unusual circumstances, and only where the reason(s) for the continuance could not have been foreseen, a motion for continuance may be made when the party seeking the continuance becomes aware of the facts upon which the request for continuance is based. The following will apply:

(a) The requesting party shall notify the other party of the desire for a continuance and obtain the other party's response.

(b) The requesting party shall notify the board or hearing examiner orally of the request, the reason(s) for the request, and the opposing party's response to the request.

(c) The board or hearing examiner shall review the request, make a decision whether or not to grant the continuance, and notify the parties orally of the decision within three working days of receipt of the motion.

[Statutory Authority: RCW 28B.16.100. 88-22-057 (Order 174), § 251-12-102, filed 11/1/88.]

WAC 251-12-103 Dismissal by the board for lack of action. (1) In all appeals assigned for hearing before the board's designee or assigned for investigation by the director where there has been no action by the parties during the preceding three months, the director or designee shall mail notice to the appellant or his/her representative and the institution that the appeal will be dismissed by the board for want of prosecution unless within thirty days following the date of service of the notice a written request is made to the board and good cause is shown why it should be continued as a pending case.

(2) If no request is made, the matter will be brought before the board for dismissal at the next regularly scheduled board meeting.

[Statutory Authority: RCW 28B.16.100. 88-22-057 (Order 174), § 251-12-103, filed 11/1/88.]

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

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

(3) At any hearing on exceptions to a hearing examiner's recommended decision per the provisions of WAC 251-12-085 or to a director's determination per the provisions of WAC 251-12-075, 251-12-600, or 251-17-170, the party filing the exceptions shall have the burden of proof.

[Statutory Authority: RCW 28B.16.100. 88-02-017 (Order 164), § 251-12-240, filed 12/30/87, effective 2/1/88; 87-02-036 (Order

154), § 251-12-240, filed 1/2/87, effective 2/1/87; 84-16-067 (Order 119), § 251-12-240, filed 7/31/84; 81-18-039 (Order 90), § 251-12-240, filed 8/28/81, effective 10/1/81; 78-06-068 (Order 68), § 251-12-240, filed 5/25/78, effective 7/1/78; Order 61, § 251-12-240, filed 8/30/77, effective 10/1/77; Order 1, § 251-12-240, filed 9/15/69.]

WAC 251-12-260 Restoration of rights. (1) Any employee, when fully reinstated after appeal, shall be guaranteed all employee rights and benefits including back pay, sick leave, vacation leave accrual, retirement and OASDI credits.

(2) In instances of immediate dismissal as provided in WAC 251-11-070 where the institution is unable to justify under appeal the immediacy of the dismissal but the dismissal action itself is upheld, the employee's entitlement to recovery shall not exceed the fifteen calendar day period which would have served as the notice period had the dismissal been processed as provided in WAC 251-11-050. In instances where the board does not uphold the dismissal action but deems a suspension to have been warranted, the employee may be reinstated and a suspension ordered of up to fifteen calendar days.

[Statutory Authority: RCW 28B.16.100. 89-01-071 (Order 175), § 251-12-260, filed 12/20/88, effective 2/1/89; 83-20-020 (Order 108), § 251-12-260, filed 9/23/83, effective 10/24/83; Order 61, § 251-12-260, filed 8/30/77, effective 10/1/77; Order 1, § 251-12-260, filed 9/15/69.]

WAC 251-12-500 Relief from effect of board's order. (1) Employees who incur loss of position, seniority, salary or otherwise are caused to suffer directly by action of the board pursuant to rules set forth in chapters 251-17, 251-18, and 251-19 WAC may be considered to be aggrieved if the employee did not participate in the conditions as contributing to rules violation. Aggrieved employees may be provided by order of the board, such benefits as:

- (a) Permanent status when qualified by examination;
- (b) Salary maintenance or adjustment;
- (c) Seniority as appropriate;
- (d) Accrual of benefits.

(2) Upon receipt of written request for consideration from an employee, or upon initiation by the director, such action may be instituted as is required to provide appropriate relief under the rules for aggrieved employees when the employee is reduced in position or salary, laid off, or is otherwise caused to suffer as an indirect result of an order of the board and the employee was not a party to willful disregard of the rules. Such written request from the employee must be received within thirty calendar days of the action unless an extension in time is requested by the personnel officer.

(3) The director shall notify interested parties in writing of any recommended action and such order shall be binding unless a request for review is received by the higher education personnel board as provided in subsection (4) of this section.

(4) Request for board review of the action of the director must be made in writing by the employee, his/her representative, or the institution within fifteen calendar days of the mailing of such notice and must contain the reasons for such review. Within thirty calendar days of

receipt of the notice the board will issue its ruling either affirming or modifying the director's action. The board's order shall be final and binding.

[Statutory Authority: RCW 28B.16.100. 88-02-017 (Order 164), § 251-12-500, filed 12/30/87, effective 2/1/88; Order 61, § 251-12-500, filed 8/30/77, effective 10/1/77; Order 29, § 251-12-500, filed 1/22/74.]

WAC 251-12-600 Remedial action. When it has been determined that an individual has served six consecutive months in an institution in a position subject to the civil service but whose appointment by the institution has not been in accordance with the provisions of these rules, and the employee was not a party to the willful disregard of the rules, the director may take such appropriate action as to confer permanent status, set provision for salary maintenance, establish appropriate seniority, determine accrual of benefits, and such other actions as may be determined appropriate pursuant to the best standards of personnel administration. The order of the director shall be final and binding unless written exceptions detailing the specific items of the order to which exception is taken are filed with the board within thirty calendar days of the date of service of the order. The board will review the exceptions and may hold a hearing prior to modifying or affirming the director's order.

[Statutory Authority: RCW 28B.16.100. 88-22-057 (Order 174), § 251-12-600, filed 11/1/88; 81-24-019 (Order 92) § 251-12-600, filed 11/24/81, effective 1/1/82; 79-03-029 (Order 71), § 251-12-600, filed 2/27/79, effective 4/2/79; Order 61, § 251-12-600, filed 8/30/77, effective 10/1/77.]

Chapter 251-14 WAC COLLECTIVE BARGAINING

WAC

251-14-020	Employee organization filing requirements.
251-14-030	Determination of bargaining unit.
251-14-050	Petition for decertification of exclusive representative.
251-14-052	Union shop representative election.
251-14-056	Employee listings.
251-14-058	Union shop requirements.
251-14-070	Unfair labor practices—Management—Employee organizations.
251-14-100	Mediation—Collective bargaining impasse—Grievance disputes.
251-14-110	Arbitration—Collective bargaining impasse—Grievance disputes.

WAC 251-14-020 Employee organization filing requirements. (1) Any employee organization authorized to represent employees before the board or in collective bargaining with an appointing authority must first file with the director a notice of intent to represent employees. Such notice must set forth the name of the employee organization; the name of an agent authorized to speak on its behalf; a mailing address and telephone number; a general description of the types of employment falling within the intended area of representation and the number of classified higher education employees who are presently members of the employee organization; and a copy of a constitution, bylaws, or any other documents

defining powers and authorizing representation. The director or designee shall, after verification of the documents submitted, notify the employee organization, each institution and related board of the authorized recognition.

(2) An employee organization which is, or desires to be, an exclusive representative for a bargaining unit which has chosen to be a union shop must have a written procedure concerning representation fees which complies with applicable statutory and constitutional requirements. Such employee organization must provide to the director a written opinion of the employee organization's attorney that its representation fee procedure is in compliance with applicable statutory and constitutional requirements.

[Statutory Authority: RCW 28B.16.100. 88-18-018 (Order 172), § 251-14-020, filed 8/29/88, effective 10/1/88; Order 61, § 251-14-020, filed 8/30/77, effective 10/1/77; Order 42, § 251-14-020, filed 5/23/75; Order 2, § 251-14-020, filed 3/12/70; Order 1, § 251-14-020, filed 9/15/69.]

WAC 251-14-030 Determination of bargaining unit.

(1) Determination, alteration, modification or combination of appropriate bargaining units shall be made by the board upon petition from the appointing authority, an employee organization or upon the board's own motion, after twenty calendar days' notice has been given to the appointing authority and to affected employees and their representatives.

(2) In determining a bargaining unit, the board shall consider the following factors:

(a) Duties, skills and working conditions of the employees.

(b) History of collective bargaining by the employees and their bargaining representatives.

(c) Extent of organization among the employees.

(d) Desires of the employees.

(3) Any petition filed hereunder shall, in writing, set forth all pertinent facts and supporting reasons as comprehensively as possible, to aid the board in its determination.

(4) When the board combines existing bargaining units into one new unit and/or accretes additional classes and/or positions to a bargaining unit, such action shall effect an automatic decertification of any union shop representative provision in effect except in the following instances:

(a) Where the same employee organization is certified as the union shop representative in each of the existing bargaining units that are being combined into one new unit;

(b) Where results of the union shop election previously held still represent a majority vote in favor of the union shop provision in the new unit. Majority vote will be determined by adding the number of employees not previously covered by a union shop provision to the total number of employees eligible to vote in the previous election.

(5) At the hearing on a petition, the board shall make an oral determination. Within thirty calendar days of the hearing, the board shall also enter an appropriate order containing findings of fact and conclusions of law

reflecting its oral determination. Unless otherwise provided, the effective date for the creation or modification of a bargaining unit shall be the date of the board's oral determination.

(6) Bargaining units normally shall not include both supervisory and nonsupervisory employees.

(7) The director or designee shall update bargaining unit descriptions to reflect any change in class title and/or code affected by board action and notify the affected exclusive bargaining representative and the institution of the change thirty days prior to the intended action. Either party may appeal the designee's decision to the board within thirty calendar days after receipt of the proposed updated description. The basis of the appeal is limited to whether the action represents a change which would affect the composition of the bargaining unit.

[Statutory Authority: RCW 28B.16.100. 87-16-045 (Order 158), § 251-14-030, filed 7/29/87, effective 9/1/87; 82-10-006 (Order 95), § 251-14-030, filed 4/26/82, effective 6/1/82; Order 61, § 251-14-030, filed 8/30/77, effective 10/1/77; Order 52, § 251-14-030, filed 2/26/76; Order 2, § 251-14-030, filed 3/12/70.]

WAC 251-14-050 Petition for decertification of exclusive representative. (1) Upon petition to the director by not less than thirty percent of the employees of a bargaining unit, decertification or a new certification shall be determined by a secret vote of the employees, providing twelve months have elapsed since the last certification and between one hundred twenty and ninety calendar days remain before the termination date of any existing collective bargaining agreement covering the employees of the unit. The termination date of a contract stands by itself exclusive of any automatic renewal or extension provision in the contract. Upon granting a request for an election, the director shall give written notice thereof and allow ten calendar days for other employee organizations desiring to have their names placed on the ballot to show satisfactory proof of at least ten percent representation of employees on the active payroll who were employed within the bargaining unit at the close of the payroll period immediately preceding the date of notice of election. The ten calendar day period shall begin three days after the director's notice is mailed, and a request by an employee organization to be placed on the ballot shall be deemed timely if post-marked within the ten calendar day period. The ballot will contain the name of the employee organization which is currently certified as the exclusive representative and any other employee organization that has shown satisfactory proof of at least ten percent representation of the employees in the bargaining unit. Such an election shall be conducted in accordance with WAC 251-14-040 (3) and (4). Another exclusive representative decertification election shall not be held concerning the same bargaining unit for at least twelve months from the date of the last previous exclusive representative decertification election.

(2) When the board, pursuant to WAC 251-14-030, combines existing bargaining units into one new unit, the combination shall effect an automatic decertification of

the affected exclusive representatives except in those instances where the same employee organization is certified as the exclusive representative for all of the existing bargaining units that are being combined into one new unit.

[Statutory Authority: RCW 28B.16.100. 87-02-036 (Order 154), § 251-14-050, filed 1/2/87, effective 2/1/87; 86-09-076 (Order 148), § 251-14-050, filed 4/22/86, effective 6/1/86; Order 61, § 251-14-050, filed 8/30/77, effective 10/1/77; Order 52, § 251-14-050, filed 2/26/76; Order 25, § 251-14-050, filed 7/17/73; Order 2, § 251-14-050, filed 3/12/70.]

WAC 251-14-052 Union shop representative election. (1) The director shall order a union shop representative election to be held upon petition from an employee organization which has been certified per WAC 251-14-040 as the exclusive representative of the employees of a bargaining unit. If the employee organization does not already have the opinion of counsel required by WAC 251-14-020(2) on file with the director, the petition shall not be considered complete until such an opinion is provided.

(2) The director shall, upon receipt of a petition for a union shop representative election, inform all affected employees of the union shop provisions contained in the state higher education personnel law, RCW 28B.16.100.

(3) The director or designee, at a preelection conference, shall review with the employee organization and appointing authority or designee the standards and procedures for the conduct of the election and shall inform all affected employees of the conditions set forth therein.

(4) The election shall be held on state property during working hours unless otherwise agreed to by all parties during the preelection conference.

(5) All employees on the active payroll and employed within the bargaining unit on the date of election will be eligible to vote. Eligible employees unable to vote at the time of election may vote by absentee ballot.

(6) Absentee ballots may be requested prior to date of election but will be counted only if received by the director or designee no later than two regular working days following the closing date of election.

(7) Transportation to official places of voting shall be provided to the degree practicable as determined by preelection conference.

(8) Election signs and banners shall not be permitted in the area in which the balloting takes place, nor shall any person in the area discuss the advantages or disadvantages of a union shop.

(9) The director will certify the employee organization as the union shop representative if a majority of employees in the bargaining unit vote in favor of requiring membership in the employee organization to be a condition of employment.

(10) Another union shop representative election shall not be held concerning the same bargaining unit for at least twelve months from the date of the last previous union shop representative election.

[Statutory Authority: RCW 28B.16.100. 88-18-018 (Order 172), § 251-14-052, filed 8/29/88, effective 10/1/88; Order 61, § 251-14-052, filed 8/30/77, effective 10/1/77; Order 25, § 251-14-052, filed 7/17/73.]

WAC 251-14-056 Employee listings. When elections are requested per the provisions of WAC 251-14-040, 251-14-050, 251-14-052 and 251-14-054, institutions shall, upon request from a petitioning party and/or an affected employee organization, provide copies of a current listing indicating names, mailing addresses provided by the employee at the time of hire or subsequently, classes and work locations of all employees eligible to vote in the election.

[Statutory Authority: RCW 28B.16.100. 88-08-018 (Order 167), § 251-14-056, filed 3/29/88, effective 5/1/88; Order 61, § 251-14-056, filed 8/30/77, effective 10/1/77; Order 42, § 251-14-056, filed 5/23/75; Order 25, § 251-14-056, filed 7/17/73.]

WAC 251-14-058 Union shop requirements. (1) When a majority of employees within a bargaining unit determine by election to require as a condition of employment membership in the employee organization designated as the exclusive bargaining representative, all employees included in that bargaining unit are required to pay to such employee organization the regular dues of the organization, or pay a representation fee or a nonassociation fee, within thirty calendar days of the beginning of their employment within the bargaining unit or within thirty calendar days of the date of the union shop representative election, whichever is later.

(2) Membership in the employee organization is satisfied by the payment of monthly or other periodic dues, or representation fees, and does not require payment of initiation, reinstatement, or any other fees or fines, and includes full and complete membership rights.

(3) Employees who wish to exercise the right of nonassociation with an employee organization based on bona fide religious tenets, or teachings of a church or religious body of which they are a member, must present a request for nonassociation to the personnel office of the concerned institution. The appointing authority or designee and the union shop representative must be in agreement that the requests are based on such bona fide reasons. If agreement cannot be reached within a reasonable time, either party may submit the issues in dispute to the director or designee. Should the request for nonassociation be denied by the appointing authority or designee, the employee may submit the issue to the director or designee. The decision of the director regarding nonassociation shall be final.

(4) Employees who are granted the nonassociation right must pay a union shop nonassociation fee to the employee organization. Such fee is equivalent to the regular dues of the organization minus any included monthly premiums for union sponsored insurance programs.

(5) When an employee has qualified for nonassociation with an employee organization on religious grounds, the employee may designate which of the programs of the employee organization are in harmony with the employee's conscience and may then designate that the nonassociation fee shall go to such programs.

(6) The employee who qualifies for the nonassociation clause shall not be a member of the employee organization, but is entitled to the same representation rights as a member of the employee organization.

(7) Employees who object to payment for activities of the exclusive representative which are supported by regular dues and which are not related to representation of the employees in the bargaining unit may pay a representation fee in lieu of regular dues. The representation fee is to be calculated by the representative in accordance with applicable constitutional and statutory requirements. See WAC 251-01-367.

(8) A condition of employment for an employee employed in a bargaining unit where an employee organization is the exclusive union shop representative is membership in that employee organization or the regular payment of a union shop representation fee or a nonassociation fee to such organization. Failure of an employee to become a member of the employee organization or make payment of the union shop representation or nonassociation fee within thirty calendar days following the beginning of employment within the bargaining unit or thirty calendar days after the date of the union shop representative election, whichever is later, constitutes cause for dismissal per the provisions of WAC 251-11-100.

(9) The union shop representative shall inform the appointing authority, in writing, of those employees who have not complied with this section.

(10) The requirement to be a member of an employee organization or the payment of a union shop representation fee or a nonassociation fee as a condition of employment will be nullified when the employee organization which is the union shop representative is decertified per WAC 251-14-050 or 251-14-054.

(11) The appointing authority or designee shall notify affected employees of existing union shop provisions prior to their hire or transfer into a bargaining unit where there is a requirement to be a member of a designated employee organization to pay a union shop representation fee or a nonassociation fee as a condition of employment.

(12) Payroll deductions for employee organization dues or union shop representation or nonassociation fees may be provided by the institution upon written authorization from the employee.

[Statutory Authority: RCW 28B.16.100. 89-01-071 (Order 175), § 251-14-058, filed 12/20/88, effective 2/1/89; 88-18-018 (Order 172), § 251-14-058, filed 8/29/88, effective 10/1/88; 82-16-002 (Order 98), § 251-14-058, filed 7/22/82, effective 9/1/82; Order 61, § 251-14-058, filed 8/30/77, effective 10/1/77; Order 25, § 251-14-058, filed 7/17/73.]

WAC 251-14-070 Unfair labor practices--Management--Employee organizations. (1) It shall be an unfair labor practice for an institution:

(a) To interfere with, restrain, or coerce employees in the exercise of their collective bargaining rights guaranteed by the higher education personnel law and the rules adopted thereunder as provided in chapter 251-14 WAC (Collective bargaining) and RCW 28B.16.230.

(b) To control, dominate, or interfere with a bargaining representative.

(c) To discriminate against an employee who has filed an unfair labor practice charge.

(d) To refuse to engage in collective bargaining.

(2) It shall be an unfair labor practice for employee organizations:

(a) To interfere with, restrain, or coerce employees in the exercise of their collective bargaining rights guaranteed by the higher education personnel law and the rules adopted thereunder as provided in chapter 251-14 WAC (Collective bargaining) and RCW 28B.16.230.

(b) To induce an institution to commit an unfair labor practice.

(c) To discriminate against an employee who has filed an unfair labor practice charge.

(d) To refuse to engage in collective bargaining.

[Statutory Authority: RCW 28B.16.100. 88-02-027 (Order 166), § 251-14-070, filed 12/31/87, effective 2/1/88; 87-21-089 (Order 163), § 251-14-070, filed 10/21/87; Order 61, § 251-14-070, filed 8/30/77, effective 10/1/77; Order 2, § 251-14-070, filed 3/12/70.]

WAC 251-14-100 Mediation--Collective bargaining impasse--Grievance disputes. (1) When agreement cannot be reached within a reasonable time in collective bargaining between an institution and the certified exclusive representative of the employees in the bargaining unit, either party may submit the impasse issues to the director or designee who shall confer with both parties in an effort to resolve the impasse.

(2) When an unresolved grievance dispute has been referred to the director pursuant to the mediation provision of a grievance procedure in a signed agreement, the director or designee shall confer with both parties in an effort to resolve the dispute. Requests for grievance mediation must be submitted to the director within thirty calendar days or less of the institution/related board's written response or lack thereof at the final internal step of the procedure.

[Statutory Authority: RCW 28B.16.100. 87-20-023 (Order 162), § 251-14-100, filed 9/30/87; Order 61, § 251-14-100, filed 8/30/77, effective 10/1/77; Order 52, § 251-14-100, filed 2/26/76; Order 2, § 251-14-100, filed 3/12/70.]

WAC 251-14-110 Arbitration--Collective bargaining impasse--Grievance disputes. (1) When the director or designee is unable to resolve the collective bargaining impasse, the institution or the certified exclusive representative may submit such impasse to the board for arbitration.

(2) When the director or designee is unable to resolve a grievance dispute, the exclusive representative, employee or employer may submit such dispute to the board for arbitration. Requests for grievance arbitration must be submitted within thirty calendar days or less from the date the director or designee indicates in writing that the mediation is at impasse.

(3) The board shall hold such hearings which may be conducted in the same manner as provided for appeals from layoffs, demotions, suspensions, reductions and dismissals, and the decision of the board shall be final and binding.

[Statutory Authority: RCW 28B.16.100. 87-20-023 (Order 162), § 251-14-110, filed 9/30/87; Order 61, § 251-14-110, filed 8/30/77, effective 10/1/77; Order 52, § 251-14-110, filed 2/26/76; Order 2, § 251-14-110, filed 3/12/70.]

**Chapter 251-17 WAC
RECRUITMENT--EXAMINATION**

WAC

251-17-010	Examination--Requirement--Responsibilities.
251-17-020	Promotional organizational units--Establishment.
251-17-030	Eligible list--Related list.
251-17-040	Noncompetitive service.
251-17-050	Recruitment notice--Publicity--Duration.
251-17-060	Recruitment notices--Required content.
251-17-070	Application materials--Distribution to applicants.
251-17-080	Examinations--Employee release time.
251-17-090	Examination--Eligibility.
251-17-100	Application forms--Acceptance.
251-17-110	Examination administration.
251-17-120	Examinations--Evaluation of.
251-17-130	Application--Disqualification--Rejection.
251-17-140	Repealed.
251-17-150	Veterans preference.
251-17-160	Examination results--Notification--Institutional review.
251-17-170	Examination--Eligibility--Right of appeal.
251-17-180	Examination--Medical.
251-17-190	Examinations--Records requirements.
251-17-200	Modification of minimum qualifications.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

251-17-140	Applicants--Anonymity. [Statutory Authority: RCW 28B.16.100. 88-02-018 (Order 165), § 251-17-140, filed 12/30/87, effective 2/1/88.] Repealed by 88-13-018 (Order 169), filed 6/6/88, effective 8/1/88. Statutory Authority: RCW 28B.16.100.
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WAC 251-17-010 Examination--Requirement--Responsibilities. (1) Appointment to positions in the classified service shall be made according to merit and suitability ascertained for each class by an appropriate examination.

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

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

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

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

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

(7) Personnel officers may develop modifications to system examinations and/or institutional examinations

to meet requirements which are unique to their institutions.

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

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

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

(9) The personnel officer is responsible for determining when to open eligible lists and conduct examinations.

[Statutory Authority: RCW 28B.16.100. 88-02-018 (Order 165), § 251-17-010, filed 12/30/87, effective 2/1/88.]

WAC 251-17-020 Promotional organizational units--Establishment. The personnel officer shall establish promotional organizational units based upon administrative unit and/or geographical location. Such units must be approved by the director.

[Statutory Authority: RCW 28B.16.100. 88-02-018 (Order 165), § 251-17-020, filed 12/30/87, effective 2/1/88.]

WAC 251-17-030 Eligible list--Related list. (1) Should a vacancy occur in a class for which there is no existing eligible list, it shall be the responsibility of the personnel officer to recruit and develop an eligible list.

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

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

(b) Request the use of an eligible list established for the class at another institution.

[Statutory Authority: RCW 28B.16.100. 88-02-018 (Order 165), § 251-17-030, filed 12/30/87, effective 2/1/88.]

WAC 251-17-040 Noncompetitive service. (1) All classes at an institution shall be considered to be in the competitive service unless a class has been specifically approved by the director to be in the noncompetitive service at that institution.

(2) For a class to be considered for approval for the noncompetitive service, the personnel officer must comply with the procedures established by the director and approved by the board for granting such approval.

[Statutory Authority: RCW 28B.16.100. 88-02-018 (Order 165), § 251-17-040, filed 12/30/87, effective 2/1/88.]

WAC 251-17-050 Recruitment notice--Publicity--Duration. (1) Notice of examinations to establish eligible lists shall be made via public display, including institutional posting, of recruitment notices and such other publicity as the personnel officer deems to be warranted.

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

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

(b) A recruitment notice without a specified closing date must state that the application period may be

closed upon three calendar days prior notice. Public notice of at least three calendar days must be given prior to closing such a recruitment notice.

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

(4) The personnel officer may extend the application period for a recruitment notice as required by giving public notice in the same manner as the original notice.

[Statutory Authority: RCW 28B.16.100. 88-02-018 (Order 165), § 251-17-050, filed 12/30/87, effective 2/1/88.]

WAC 251-17-060 Recruitment notices--Required content. Official institutional recruitment notices (not to include media or other supplemental publicity) shall contain the following information:

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

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

(3) The salary range for the class.

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

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

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

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

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

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

(10) When applicable, a statement that supplemental certification may be utilized in accordance with an approved affirmative action program, as provided in WAC 251-23-060.

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

(12) When applicable per WAC 251-17-090(3), the minimum number of most highly qualified applicants who will be admitted to each phase of the examination other than the screening or other initial phase, provided that at least this number of applicants pass the initial phase(s) of the examination.

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

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

(b) The number of applicants who will be placed on the eligible list(s).

[Statutory Authority: RCW 28B.16.100. 88-02-018 (Order 165), § 251-17-060, filed 12/30/87, effective 2/1/88.]

WAC 251-17-070 Application materials--Distribution to applicants. The following materials shall be provided to job applicants when they apply for a specific recruitment:

(1) The institution's application form as prescribed in WAC 251-17-100(1).

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

(3)(a) The supplemental application for the class or position when it is the screening phase of the examination or (b) a brief statement of the examination elements for the class or position if the screening phase of the examination is not a supplemental application.

[Statutory Authority: RCW 28B.16.100. 88-02-018 (Order 165), § 251-17-070, filed 12/30/87, effective 2/1/88.]

WAC 251-17-080 Examinations--Employee release time. Current employee applicants shall suffer no loss in regular salary as a result of participating in examinations which are conducted for their employing institution during their regularly scheduled working hours.

[Statutory Authority: RCW 28B.16.100. 88-02-018 (Order 165), § 251-17-080, filed 12/30/87, effective 2/1/88.]

WAC 251-17-090 Examination--Eligibility. (1) Open-competitive examinations shall be open to all persons who apply according to the provisions of these rules and meet the minimum qualifications for the class.

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

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

(4) The personnel officer may add members of under-utilized groups to all eligible lists, except layoff lists, at anytime in accordance with the institution's affirmative action program as provided in WAC 251-23-040 (7)(b), provided such persons pass the examination for the class.

(5) The personnel officer may add employees who complete institution-approved training programs to the appropriate eligible list at any time, provided such employees meet the minimum qualifications and pass the examination for the class.

[Statutory Authority: RCW 28B.16.100. 88-02-018 (Order 165), § 251-17-090, filed 12/30/87, effective 2/1/88.]

WAC 251-17-100 Application forms--Acceptance.

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

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

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

(4) When an application is rejected for failure to meet the requirements of subsection (3) of this section, the provisions of WAC 251-17-130(2) shall apply.

(5) The personnel officer may require proof of age, education, experience, veterans preference, and/or other claims relevant to the qualifications of an applicant.

[Statutory Authority: RCW 28B.16.100. 88-02-018 (Order 165), § 251-17-100, filed 12/30/87, effective 2/1/88.]

WAC 251-17-110 Examination administration. (1) Personnel officers shall administer examinations in accordance with the administration instructions developed for each system or institutional examination.

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

(3) Personnel officers shall develop institutional procedures for the reexamination of applicants at their institutions. Such procedures shall be approved by the director before they are used.

[Statutory Authority: RCW 28B.16.100. 88-02-018 (Order 165), § 251-17-110, filed 12/30/87, effective 2/1/88.]

WAC 251-17-120 Examinations--Evaluation of. (1) The director shall specify the rating and/or scoring systems to be used to evaluate examinations, including the ratings, scores and/or percentiles required to pass an examination.

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

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

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

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

(6) The personnel officer is responsible for the accuracy of the total examination ratings given by the raters of examinations and may disqualify a rater for good and

sufficient reason(s). The personnel officer shall disqualify any rater who was biased, did not follow either the content or the intent of the rating guide, or did not possess the required technical knowledge to evaluate the examination.

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

(8) Applicants must pass the final phase of an examination in order to be placed on an eligible list.

[Statutory Authority: RCW 28B.16.100. 88-02-018 (Order 165), § 251-17-120, filed 12/30/87, effective 2/1/88.]

WAC 251-17-130 Application--Disqualification--Rejection. (1) The personnel officer may reject an application at any time during the examination process for good and sufficient reason(s).

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

- (a) The specific reason(s) for the rejection; and
- (b) Notification of the right of review per WAC 251-17-160 (1)(b); and
- (c) His/her right of appeal per WAC 251-17-170 (1)(a).

[Statutory Authority: RCW 28B.16.100. 88-02-018 (Order 165), § 251-17-130, filed 12/30/87, effective 2/1/88.]

WAC 251-17-140 Repealed. See Disposition Table at beginning of this chapter.

WAC 251-17-150 Veterans preference. (1) Veterans who claim veterans preference and meet the criteria specified in subsections (2) through (4) of this section shall have added to their final passing scores:

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

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

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

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

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

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

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

(4) A "period of war" includes World War I, World War II, the Korean conflict, the Viet Nam era, and the period beginning on the date of any future declaration of war by the Congress and ending on the date prescribed by presidential proclamation or concurrent resolution of the Congress. The "Viet Nam era" means the period beginning August 5, 1964, and ending on May 7, 1975.

[Statutory Authority: RCW 28B.16.100. 88-02-018 (Order 165), § 251-17-150, filed 12/30/87, effective 2/1/88.]

WAC 251-17-160 Examination results--Notification--Institutional review. (1) The personnel officer shall:

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

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

(c) Inform each applicant of his/her appeal rights per WAC 251-17-170 (1)(c).

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

(a) Application was rejected for good and sufficient reason in accordance with WAC 251-17-130.

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

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

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

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

(3) Within thirty calendar days after receiving a request for review as provided in subsection (1)(b) of this section, the personnel officer will provide the applicant with written notice of the results of the review and of appeal rights as provided in WAC 251-17-170 (1)(b).

[Statutory Authority: RCW 28B.16.100. 88-02-018 (Order 165), § 251-17-160, filed 12/30/87, effective 2/1/88.]

WAC 251-17-170 Examination--Eligibility--Right of appeal. (1) A person shall have the right to appeal the following to the higher education personnel board as provided in subsection (2) of this section:

(a) Rejection of his/her application; or

(b) The results of the institutional examination review process per WAC 251-17-160 (1)(b); or

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

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

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

(2) Any employee or employee representative may appeal an alleged failure to follow the provisions of WAC 251-17-010 (1) through (8) in accordance with WAC 251-12-075.

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

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

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

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

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

(c) Both parties to the appeal may be requested to submit evidence upon which the board may take action without a hearing.

[Statutory Authority: RCW 28B.16.100. 88-02-018 (Order 165), § 251-17-170, filed 12/30/87, effective 2/1/88.]

WAC 251-17-180 Examination--Medical. Eligibles for employment or promotion shall take a medical examination if prescribed for the position to which appointment is sought. All eligibles must conform with medical regulations for state employment established by the Washington state board of health.

[Statutory Authority: RCW 28B.16.100. 88-02-018 (Order 165), § 251-17-180, filed 12/30/87, effective 2/1/88.]

WAC 251-17-190 Examinations--Records requirements. (1) The personnel officer shall maintain selection records as required by applicable federal, state, and local laws and institutional policies.

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

(3) Personnel officers shall maintain written records of all current approvals given with regard to the selection process at their institutions.

[Statutory Authority: RCW 28B.16.100. 88-02-018 (Order 165), § 251-17-190, filed 12/30/87, effective 2/1/88.]

WAC 251-17-200 Modification of minimum qualifications. (1) When a vacancy exists and active and reasonable recruiting efforts fail to establish an eligible list for the class, the personnel officer may request that the director modify the minimum qualifications. If satisfied that reasonable effort has been made to recruit at the established minimum qualifications the director may modify the minimum qualifications for that recruiting cycle on a one-time basis. On approval, the personnel officer shall initiate recruiting at the reduced minimum qualifications.

(2) In order to make a reasonable accommodation for a person of disability as defined in WAC 251-01-285, the personnel officer may request that the director waive the minimum qualifications for the purpose of admitting the employee or applicant to the examination.

(3) Action of the director pursuant to this section will be reported to the board at the next regular meeting.

[Statutory Authority: RCW 28B.16.100. 88-02-018 (Order 165), § 251-17-200, filed 12/30/87, effective 2/1/88.]

Chapter 251-18 WAC

CERTIFICATION

WAC

- 251-18-010 Repealed.
- 251-18-011 Repealed.
- 251-18-012 Repealed.
- 251-18-015 Repealed.
- 251-18-020 Repealed.
- 251-18-035 Repealed.
- 251-18-041 Repealed.
- 251-18-050 Repealed.
- 251-18-060 Repealed.
- 251-18-070 Repealed.
- 251-18-075 Repealed.
- 251-18-095 Repealed.
- 251-18-110 Repealed.
- 251-18-120 Repealed.
- 251-18-130 Repealed.
- 251-18-140 Repealed.
- 251-18-145 Repealed.
- 251-18-160 Repealed.
- 251-18-165 Repealed.
- 251-18-176 Repealed.
- 251-18-180 Eligible lists--Definition--Composition.
- 251-18-200 Eligible lists--Removal of name--Notification.
- 251-18-255 Certification--Specific position requirements.
- 251-18-290 Repealed.
- 251-18-291 Repealed.
- 251-18-300 Repealed.
- 251-18-310 Repealed.
- 251-18-320 Repealed.
- 251-18-330 Repealed.
- 251-18-335 Repealed.
- 251-18-340 Repealed.
- 251-18-345 Repealed.
- 251-18-346 Repealed.
- 251-18-347 Repealed.
- 251-18-350 Repealed.
- 251-18-381 Repealed.
- 251-18-400 Repealed.
- 251-18-410 Repealed.
- 251-18-420 Repealed.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

- 251-18-010 Examination—Requirement—Responsibilities. [Statutory Authority: RCW 28B.16.100. 85-21-031 (Order 139), § 251-18-010, filed 10/10/85; 85-16-038 (Order 134), § 251-18-010, filed 7/31/85, effective 9/1/85; 84-10-056 (Order 115), § 251-18-010, filed 5/2/84; Order 61, § 251-18-010, filed 8/30/77, effective 10/1/77; Order 46, § 251-18-010, filed 9/19/75; Order 33, § 251-18-010, filed 6/18/74; Order 3, § 251-18-010, filed 1/15/71.] Repealed by 88-02-018 (Order 165), filed 12/30/87, effective 2/1/88. Statutory Authority: RCW 28B.16.100.
- 251-18-011 Promotional organizational units—Establishment. [Statutory Authority: RCW 28B.16.100. 84-10-056 (Order 115), § 251-18-011, filed 5/2/84.] Repealed by 88-02-018 (Order 165), filed 12/30/87, effective 2/1/88. Statutory Authority: RCW 28B.16.100.
- 251-18-012 Eligible list—Related list. [Statutory Authority: RCW 28B.16.100. 84-10-056 (Order 115), § 251-18-012, filed 5/2/84.] Repealed by 88-02-018 (Order 165), filed 12/30/87, effective 2/1/88. Statutory Authority: RCW 28B.16.100.
- 251-18-015 Noncompetitive service. [Statutory Authority: RCW 28B.16.100. 84-10-056 (Order 115), § 251-18-015, filed 5/2/84.] Repealed by 88-02-018 (Order 165), filed 12/30/87, effective 2/1/88. Statutory Authority: RCW 28B.16.100.
- 251-18-020 Recruitment notice—Publicity—Duration. [Statutory Authority: RCW 28B.16.100. 84-10-056 (Order 115), § 251-18-020, filed 5/2/84; 79-03-029 (Order 71), § 251-18-020, filed 2/27/79; Order 61, § 251-18-020, filed 8/30/77, effective 10/1/77; Order 46, § 251-18-020, filed 9/19/75; Order 35, § 251-18-020, filed 7/23/74; Order 3, § 251-18-020, filed 1/15/71.] Repealed by 88-02-018 (Order 165), filed 12/30/87, effective 2/1/88. Statutory Authority: RCW 28B.16.100.
- 251-18-035 Recruitment notices—Required content. [Statutory Authority: RCW 28B.16.100. 86-06-034 (Order 145), § 251-18-035, filed 2/28/86, effective 4/1/86; 85-21-031 (Order 139), § 251-18-035, filed 10/10/85; 85-16-038 (Order 134), § 251-18-035, filed 7/31/85, effective 9/1/85.] Repealed by 88-02-018 (Order 165), filed 12/30/87, effective 2/1/88. Statutory Authority: RCW 28B.16.100.
- 251-18-041 Application materials—Distribution to applicants. [Statutory Authority: RCW 28B.16.100. 86-03-081 (Order 143), § 251-18-041, filed 1/22/86, effective 3/1/86; 85-16-038 (Order 134), § 251-18-041, filed 7/31/85, effective 9/1/85.] Repealed by 88-02-018 (Order 165), filed 12/30/87, effective 2/1/88. Statutory Authority: RCW 28B.16.100.
- 251-18-050 Examinations—Employee release time. [Statutory Authority: RCW 28B.16.100. 84-10-056 (Order 115), § 251-18-050, filed 5/2/84; Order 61, § 251-18-050, filed 8/30/77, effective 10/1/77; Order 46, § 251-18-050, filed 9/19/75; Order 33, § 251-18-050, filed 6/18/74; Order 3, § 251-18-050, filed 1/15/71.] Repealed by 88-02-018 (Order 165), filed 12/30/87, effective 2/1/88. Statutory Authority: RCW 28B.16.100.
- 251-18-060 Examination—Eligibility. [Statutory Authority: RCW 28B.16.100. 86-06-034 (Order 145), § 251-18-060, filed 2/28/86, effective 4/1/86; 84-12-047 (Order 117), § 251-18-060, filed 6/1/84; Order 61, § 251-18-060, filed 8/30/77, effective 10/1/77; Order 46, § 251-18-060, filed 9/19/75; Order 38, § 251-18-060, filed 11/18/74; Order 3, § 251-18-060, filed 1/15/71.] Repealed by 88-02-018 (Order 165), filed 12/30/87, effective 2/1/88. Statutory Authority: RCW 28B.16.100.
- 251-18-070 Application forms—Acceptance. [Statutory Authority: RCW 28B.16.100. 84-10-056 (Order 115), § 251-18-070, filed 5/2/84; 78-02-094 (Order 65), § 251-18-070, filed 1/30/78; Order 61, § 251-18-070, filed 8/30/77, effective 10/1/77; Order 3, § 251-18-070, filed 1/15/71.] Repealed by 88-02-018 (Order 165), filed 12/30/87, effective 2/1/88. Statutory Authority: RCW 28B.16.100.
- 251-18-075 Examination administration. [Statutory Authority: RCW 28B.16.100. 85-16-038 (Order 134), § 251-18-075, filed 7/31/85, effective 9/1/85.] Repealed by 88-02-018 (Order 165), filed 12/30/87, effective 2/1/88. Statutory Authority: RCW 28B.16.100.
- 251-18-095 Examinations—Evaluation of. [Statutory Authority: RCW 28B.16.100. 85-16-038 (Order 134), § 251-18-095, filed 7/31/85, effective 9/1/85.] Repealed by 88-02-018 (Order 165), filed 12/30/87, effective 2/1/88. Statutory Authority: RCW 28B.16.100.
- 251-18-110 Application—Disqualification—Rejection. [Statutory Authority: RCW 28B.16.100. 84-10-056 (Order 115), § 251-18-110, filed 5/2/84; 78-02-094 (Order 65), § 251-18-110, filed 1/30/78; Order 61, § 251-18-110, filed 8/30/77, effective 10/1/77; Order 38, § 251-18-110, filed 11/18/74; Order 4, § 251-18-110, filed 2/19/71.] Repealed by 88-02-018 (Order 165), filed 12/30/87, effective 2/1/88. Statutory Authority: RCW 28B.16.100.
- 251-18-120 Applicants—Anonymity. [Statutory Authority: RCW 28B.16.100. 84-10-056 (Order 115), § 251-18-120, filed 5/2/84; Order 61, § 251-18-120, filed 8/30/77, effective 10/1/77; Order 3, § 251-18-120, filed 1/15/71.] Repealed by 88-02-018 (Order 165), filed 12/30/87, effective 2/1/88. Statutory Authority: RCW 28B.16.100.
- 251-18-130 Veterans preference. [Statutory Authority: RCW 28B.16.100. 84-24-032 (Order 122), § 251-18-130, filed 11/30/84, effective 1/1/85; 84-12-047 (Order 117), § 251-18-130, filed 6/1/84; 78-10-090 (Order 70), § 251-18-130, filed 9/29/78, effective 11/1/78; Order 61, § 251-18-130, filed 8/30/77, effective 10/1/77; Order 35, § 251-18-130, filed 7/23/74; Order 3, § 251-18-130, filed 1/15/71.] Repealed by 88-02-018 (Order 165), filed 12/30/87, effective 2/1/88. Statutory Authority: RCW 28B.16.100.
- 251-18-140 Examination results—Notification—Institutional review. [Statutory Authority: RCW 28B.16.100. 85-16-038 (Order 134), § 251-18-140, filed 7/31/85, effective 9/1/85; 84-10-056 (Order 115), § 251-18-140, filed 5/2/84; 78-06-068 (Order 68), § 251-18-140, filed 5/25/78, effective 7/1/78; 78-02-094 (Order 65), § 251-18-140, filed 1/30/78; Order 61, § 251-18-140, filed 8/30/77, effective 10/1/77; Order 35, § 251-18-140, filed 7/23/74; Order 21, § 251-18-140, filed 5/24/73; Order 3, § 251-18-140, filed 1/15/71.] Repealed by 88-02-018 (Order 165), filed 12/30/87, effective 2/1/88. Statutory Authority: RCW 28B.16.100.
- 251-18-145 Examination—Eligibility—Right of appeal. [Statutory Authority: RCW 28B.16.100. 85-20-050 (Order 137), § 251-18-145, filed 9/25/85, effective 11/1/85; 84-10-056 (Order 115), § 251-18-145, filed 5/2/84.] Repealed by 88-02-018 (Order 165), filed 12/30/87, effective 2/1/88. Statutory Authority: RCW 28B.16.100.
- 251-18-160 Examination—Medical. [Statutory Authority: RCW 28B.16.100. 84-10-056 (Order 115), § 251-18-160, filed 5/2/84; 78-06-068 (Order 68), § 251-18-160, filed 5/25/78, effective 7/1/78; Order 61, § 251-18-160, filed 8/30/77, effective 10/1/77; Order 3, § 251-18-160, filed 1/15/71.] Repealed by 88-02-018 (Order 165), filed 12/30/87, effective 2/1/88. Statutory Authority: RCW 28B.16.100.
- 251-18-165 Examinations—Records requirements. [Statutory Authority: RCW 28B.16.100. 85-16-038 (Order 134), § 251-18-165, filed 7/31/85, effective 9/1/85.] Repealed by 88-02-018 (Order 165), filed 12/30/87, effective 2/1/88. Statutory Authority: RCW 28B.16.100.
- 251-18-176 Modification of minimum qualifications. [Statutory Authority: RCW 28B.16.100. 87-02-036 (Order

- 154), § 251-18-176, filed 1/2/87, effective 2/1/87; 80-08-073 (Order 84), § 251-18-176, filed 7/2/80; 78-06-068 (Order 68), § 251-18-176, filed 5/25/78, effective 7/1/78; Order 61, § 251-18-176, filed 8/30/77, effective 10/1/77.] Repealed by 88-02-018 (Order 165), filed 12/30/87, effective 2/1/88. Statutory Authority: RCW 28B.16.100.
- 251-18-290 Returning employee provisions—Layoff. [Order 61, § 251-18-290, filed 8/30/77, effective 10/1/77; Order 21, § 251-18-290, filed 5/24/73; Order 3, § 251-18-290, filed 1/15/71.] Repealed by 88-02-018 (Order 165), filed 12/30/87, effective 2/1/88. Statutory Authority: RCW 28B.16.100.
- 251-18-291 Returning employee provisions—Reemployment. [Order 63, § 251-18-291, filed 11/22/77; Order 61, § 251-18-291, filed 8/30/77, effective 10/1/77.] Repealed by 88-02-018 (Order 165), filed 12/30/87, effective 2/1/88. Statutory Authority: RCW 28B.16.100.
- 251-18-300 Appointment—Provisional. [Order 61, § 251-18-300, filed 8/30/77, effective 10/1/77; Order 3, § 251-18-300, filed 1/15/71.] Repealed by 88-02-018 (Order 165), filed 12/30/87, effective 2/1/88. Statutory Authority: RCW 28B.16.100.
- 251-18-310 Appointment—Emergency. [Order 61, § 251-18-310, filed 8/30/77, effective 10/1/77; Order 3, § 251-18-310, filed 1/15/71.] Repealed by 88-02-018 (Order 165), filed 12/30/87, effective 2/1/88. Statutory Authority: RCW 28B.16.100.
- 251-18-320 Appointment—Probationary. [Statutory Authority: RCW 28B.16.100. 84-16-067 (Order 119), § 251-18-320, filed 7/31/84; 84-08-032 (Order 113), § 251-18-320, filed 3/30/84, effective 5/1/84; 82-16-002 (Order 98), § 251-18-320, filed 7/22/82, effective 9/1/82; Order 61, § 251-18-320, filed 8/30/77, effective 10/1/77; Order 32, § 251-18-320, filed 3/19/74; Order 3, § 251-18-320, filed 1/15/71.] Repealed by 88-02-018 (Order 165), filed 12/30/87, effective 2/1/88. Statutory Authority: RCW 28B.16.100.
- 251-18-330 Trial service period. [Statutory Authority: RCW 28B.16.100. 84-08-032 (Order 113), § 251-18-330, filed 3/30/84, effective 5/1/84; 81-22-065 (Order 91), § 251-18-330, filed 11/4/81; 81-15-003 (Order 88), § 251-18-330, filed 7/2/81; 78-02-094 (Order 65), § 251-18-330, filed 1/30/78; Order 61, § 251-18-330, filed 8/30/77, effective 10/1/77; Order 3, § 251-18-330, filed 1/15/71.] Repealed by 88-02-018 (Order 165), filed 12/30/87, effective 2/1/88. Statutory Authority: RCW 28B.16.100.
- 251-18-335 Appointment—Alternate. [Order 61, § 251-18-335, filed 8/30/77, effective 10/1/77; Order 44, § 251-18-335, filed 6/25/75.] Repealed by 88-02-018 (Order 165), filed 12/30/87, effective 2/1/88. Statutory Authority: RCW 28B.16.100.
- 251-18-340 Appointment—Permanent status. [Statutory Authority: RCW 28B.16.100. 84-08-032 (Order 113), § 251-18-340, filed 3/30/84, effective 5/1/84; 82-16-002 (Order 98), § 251-18-340, filed 7/22/82, effective 9/1/82; 78-02-094 (Order 65), § 251-18-340, filed 1/30/78; Order 64, § 251-18-340, filed 12/23/77; Order 61, § 251-18-340, filed 8/30/77, effective 10/1/77; Order 3, § 251-18-340, filed 1/15/71.] Repealed by 88-02-018 (Order 165), filed 12/30/87, effective 2/1/88. Statutory Authority: RCW 28B.16.100.
- 251-18-345 Reassignment. [Order 61, § 251-18-345, filed 8/30/77, effective 10/1/77; Order 21, § 251-18-345, filed 5/24/73.] Repealed by 88-02-018 (Order 165), filed 12/30/87, effective 2/1/88. Statutory Authority: RCW 28B.16.100.
- 251-18-346 Transfer—Lateral movement—Voluntary demotion. [Order 61, § 251-18-346, filed 8/30/77, effective 10/1/77.] Repealed by 88-02-018 (Order 165), filed 12/30/87, effective 2/1/88. Statutory Authority: RCW 28B.16.100.
- 251-18-347 Permanent classified employee interinstitutional and intersystem movement. [Statutory Authority: RCW 28B.16.100. 87-20-023 (Order 162), § 251-18-347, filed 9/30/87; 84-16-067 (Order 119), § 251-18-347, filed 7/31/84; 84-02-042 (Order 110), § 251-18-347, filed 12/30/83, effective 2/1/84.] Repealed by 88-02-018 (Order 165), filed 12/30/87, effective 2/1/88. Statutory Authority: RCW 28B.16.100.
- 251-18-350 Appointment—Temporary. [Statutory Authority: RCW 28B.16.100. 87-02-036 (Order 154), § 251-18-350, filed 1/2/87, effective 2/1/87; 84-16-067 (Order 119), § 251-18-350, filed 7/31/84; 82-04-069 (Order 93), § 251-18-350, filed 2/3/82; Order 61, § 251-18-350, filed 8/30/77, effective 10/1/77; Order 21, § 251-18-350, filed 5/24/73; Order 3, § 251-18-350, filed 1/15/71.] Repealed by 88-02-018 (Order 165), filed 12/30/87, effective 2/1/88. Statutory Authority: RCW 28B.16.100.
- 251-18-381 Appointment—Cyclic year position. [Statutory Authority: RCW 28B.16.100. 83-20-020 (Order 108), § 251-18-381, filed 9/23/83, effective 10/24/83; 83-10-029 (Order 105), § 251-18-381, filed 4/29/83, effective 6/1/83.] Repealed by 88-02-018 (Order 165), filed 12/30/87, effective 2/1/88. Statutory Authority: RCW 28B.16.100.
- 251-18-400 Apprenticeship programs. [Order 61, § 251-18-400, filed 8/30/77, effective 10/1/77; Order 41, § 251-18-400, filed 3/17/75.] Repealed by 88-02-018 (Order 165), filed 12/30/87, effective 2/1/88. Statutory Authority: RCW 28B.16.100.
- 251-18-410 Special employment programs. [Statutory Authority: RCW 18B.16.100 [28B.16.100]. 79-07-096 (Order 76), § 251-18-410, filed 6/29/79, effective 8/1/79; Order 61, § 251-18-410, filed 8/30/77, effective 10/1/77; Order 44, § 251-18-410, filed 6/25/75.] Repealed by 88-02-018 (Order 165), filed 12/30/87, effective 2/1/88. Statutory Authority: RCW 28B.16.100.
- 251-18-420 Appointment—Conversion of exempt position. [Statutory Authority: RCW 28B.16.100. 85-16-038 (Order 134), § 251-18-420, filed 7/31/85, effective 9/1/85; 83-20-020 (Order 108), § 251-18-420, filed 9/23/83, effective 10/24/83; 79-03-029 (Order 71), § 251-18-420, filed 2/27/79; Order 64, § 251-18-420, filed 12/23/77.] Repealed by 88-02-018 (Order 165), filed 12/30/87, effective 2/1/88. Statutory Authority: RCW 28B.16.100.

WAC 251-18-010 Repealed. See Disposition Table at beginning of this chapter.

WAC 251-18-011 Repealed. See Disposition Table at beginning of this chapter.

WAC 251-18-012 Repealed. See Disposition Table at beginning of this chapter.

WAC 251-18-015 Repealed. See Disposition Table at beginning of this chapter.

WAC 251-18-020 Repealed. See Disposition Table at beginning of this chapter.

WAC 251-18-035 Repealed. See Disposition Table at beginning of this chapter.

WAC 251-18-041 Repealed. See Disposition Table at beginning of this chapter.

WAC 251-18-050 Repealed. See Disposition Table at beginning of this chapter.

WAC 251-18-060 Repealed. See Disposition Table at beginning of this chapter.

WAC 251-18-070 Repealed. See Disposition Table at beginning of this chapter.

WAC 251-18-075 Repealed. See Disposition Table at beginning of this chapter.

WAC 251-18-095 Repealed. See Disposition Table at beginning of this chapter.

WAC 251-18-110 Repealed. See Disposition Table at beginning of this chapter.

WAC 251-18-120 Repealed. See Disposition Table at beginning of this chapter.

WAC 251-18-130 Repealed. See Disposition Table at beginning of this chapter.

WAC 251-18-140 Repealed. See Disposition Table at beginning of this chapter.

WAC 251-18-145 Repealed. See Disposition Table at beginning of this chapter.

WAC 251-18-160 Repealed. See Disposition Table at beginning of this chapter.

WAC 251-18-165 Repealed. See Disposition Table at beginning of this chapter.

WAC 251-18-176 Repealed. See Disposition Table at beginning of this chapter.

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

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

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

(b) Former permanent employees of the institution who (i) have transferred, promoted, voluntarily demoted or laterally moved to positions at other institutions/related boards, and (ii) have not successfully completed their trial service periods at the institution to which they moved, ranked in order of layoff seniority.

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

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

(4) **Special employment program layoff lists** shall contain the names of permanent employees of the institution

laid off, scheduled for layoff or removed from service within a class due to layoff conditions in special employment programs as provided in WAC 251-10-035 ranked in order of layoff seniority.

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

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

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

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

(9) **Noncompetitive lists** shall be established per WAC 251-17-040 and shall contain the names of applicants who meet the minimum qualifications and have passed the noncompetitive examination, if any, for the class, ranked by priority in time of filing application.

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

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

(b) The combined list shall contain the names of eligibles ranked in order of their final examination scores. Permanent employees of the institution shall have a five percent credit added to their final passing scores.

[Statutory Authority: RCW 28B.16.100. 88-02-018 (Order 165), § 251-18-180, filed 12/30/87, effective 2/1/88; 86-03-081 (Order 143), § 251-18-180, filed 1/22/86, effective 3/1/86; 84-16-067 (Order 119), § 251-18-180, filed 7/31/84; 84-10-056 (Order 115), § 251-18-180, filed 5/2/84; 84-08-032 (Order 113), § 251-18-180, filed 3/30/84, effective 5/1/84; 84-02-042 (Order 110), § 251-18-180, filed 12/30/83, effective 2/1/84; Order 61, § 251-18-180, filed 8/30/77, effective 10/1/77; Order 46, § 251-18-180, filed 9/19/75; Order 44, § 251-18-180, filed 6/25/75; Order 32, § 251-18-180, filed 3/19/74; Order 21, § 251-18-180, filed 5/24/73; Order 12, § 251-18-180, filed 5/23/72, effective 6/25/72; Order 8, § 251-18-180, filed 6/17/71, effective 7/19/71; Order 6, § 251-18-180, filed 4/21/71, effective 5/25/71; Order 4, § 251-18-180, filed 2/19/71.]

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

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

- (a) Requested removal from the list in writing;
- (b) Failed to respond to a written inquiry within ten calendar days or to a telegraphed inquiry within three calendar days relative to availability for appointment;
- (c) Failed to notify the personnel office of a change of address;
- (d) Been removed from a state-wide layoff list, an interinstitutional employee list, an intersystem employee list, an open-competitive or noncompetitive list due to expiration of eligibility; or
- (e) Been removed from an eligible list due to expiration of an extension of eligibility in accordance with WAC 251-18-190(2).

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

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

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

- (a) Restore the name to the eligible list; or
- (b) Refuse to restore the name to the eligible list. In this case, the person shall also be advised of the right of appeal per WAC 251-17-170 (1)(d).

[Statutory Authority: RCW 28B.16.100. 88-02-018 (Order 165), § 251-18-200, filed 12/30/87, effective 2/1/88; 85-04-019 (Order 123), § 251-18-200, filed 1/30/85; 84-10-056 (Order 115), § 251-18-200, filed 5/2/84; 79-03-029 (Order 71), § 251-18-200, filed 2/27/79; Order 61, § 251-18-200, filed 8/30/77, effective 10/1/77; Order 3, § 251-18-200, filed 1/15/71.]

WAC 251-18-255 Certification—Specific position requirements. (1) All specific position requirements shall be justified by a job analysis in accordance with WAC 251-17-010(2).

(2) When specific position requirements have been documented for a position, only the names of eligibles who have demonstrated a satisfactory level of knowledge, skill or ability on such specific position requirements shall be certified for that position.

[Statutory Authority: RCW 28B.16.100. 88-02-018 (Order 165), § 251-18-255, filed 12/30/87, effective 2/1/88; 85-16-038 (Order 134), § 251-18-255, filed 7/31/85, effective 9/1/85.]

WAC 251-18-290 Repealed. See Disposition Table at beginning of this chapter.

WAC 251-18-291 Repealed. See Disposition Table at beginning of this chapter.

WAC 251-18-300 Repealed. See Disposition Table at beginning of this chapter.

WAC 251-18-310 Repealed. See Disposition Table at beginning of this chapter.

WAC 251-18-320 Repealed. See Disposition Table at beginning of this chapter.

WAC 251-18-330 Repealed. See Disposition Table at beginning of this chapter.

WAC 251-18-335 Repealed. See Disposition Table at beginning of this chapter.

WAC 251-18-340 Repealed. See Disposition Table at beginning of this chapter.

WAC 251-18-345 Repealed. See Disposition Table at beginning of this chapter.

WAC 251-18-346 Repealed. See Disposition Table at beginning of this chapter.

WAC 251-18-347 Repealed. See Disposition Table at beginning of this chapter.

WAC 251-18-350 Repealed. See Disposition Table at beginning of this chapter.

WAC 251-18-381 Repealed. See Disposition Table at beginning of this chapter.

WAC 251-18-400 Repealed. See Disposition Table at beginning of this chapter.

WAC 251-18-410 Repealed. See Disposition Table at beginning of this chapter.

WAC 251-18-420 Repealed. See Disposition Table at beginning of this chapter.

**Chapter 251-19 WAC
APPOINTMENT**

WAC	
251-19-010	Returning employee provisions—Layoff.
251-19-020	Returning employee provisions—Reemployment.
251-19-030	Appointment—Provisional.
251-19-040	Appointment—Emergency.
251-19-050	Appointment—Probationary.
251-19-060	Trial service period.
251-19-070	Appointment—Alternate.
251-19-080	Appointment—Permanent status.
251-19-090	Reassignment.
251-19-100	Transfer—Lateral movement—Voluntary demotion.
251-19-110	Permanent classified employee interinstitutional and intersystem movement.
251-19-120	Appointment—Temporary.
251-19-130	Appointment—Cyclic year position.
251-19-140	Apprenticeship programs.
251-19-150	Special employment programs.
251-19-160	Appointment—Conversion of exempt position.

WAC 251-19-010 Returning employee provisions—Layoff. An eligible appointed from an established institution-wide layoff list shall be credited with the following:

(1) Assumption of appointment status, salary step as provided in WAC 251-08-115 and seniority held at the time of layoff;

(2) Sick leave accrued at the time of layoff;

(3) Periodic increment date extended by an amount of time equal to the period of layoff in order to give credit for time served in a salary step prior to layoff.

[Statutory Authority: RCW 28B.16.100. 88-02-018 (Order 165), § 251-19-010, filed 12/30/87, effective 2/1/88.]

WAC 251-19-020 Returning employee provisions--Reemployment. A former state employee who is appointed from an open competitive list shall be:

(1) Credited with unused sick leave accrued if reemployed within three years of termination;

(2) Given a new periodic increment date in accordance with WAC 251-08-100(2);

(3) Required to serve a probationary period.

[Statutory Authority: RCW 28B.16.100. 88-02-018 (Order 165), § 251-19-020, filed 12/30/87, effective 2/1/88.]

WAC 251-19-030 Appointment--Provisional. When a vacancy in the classified service exists and there is an inadequate eligible list, the personnel officer may authorize a provisional appointment of any person who meets the minimum requirements for the class. Any person appointed provisionally must be advised of his/her appointment status and of the requirement to compete for the position when recruitment is initiated. Such provisional appointment shall terminate prior to six months or within two weeks of the date of regular appointment, whichever comes first. No person shall receive more than one provisional appointment, nor serve more than six months in any twelve month period as a provisional appointee. The period of a provisional appointment shall not constitute a part of the probationary period.

The personnel officer shall immediately begin recruiting to establish a list of eligibles for the class.

[Statutory Authority: RCW 28B.16.100. 88-02-018 (Order 165), § 251-19-030, filed 12/30/87, effective 2/1/88.]

WAC 251-19-040 Appointment--Emergency. An employing official may request that the personnel officer authorize a thirty calendar day emergency appointment, without regard to other provisions of these rules governing appointment, whenever the personnel officer determines that an emergency exists and there is an inadequate eligible list from which an appointment can be made. The period of emergency appointment shall not constitute part of a probationary period. Emergency appointments shall be reported in writing to the director at the time of appointment, and may be extended for another thirty calendar day period only upon prior approval of the director.

[Statutory Authority: RCW 28B.16.100. 88-02-018 (Order 165), § 251-19-040, filed 12/30/87, effective 2/1/88.]

WAC 251-19-050 Appointment--Probationary. (1) Probationary appointment shall be made only upon appointment of eligibles from the:

(a) Open-competitive or noncompetitive list.

(b) Institution-wide layoff list - when the employee was in probationary status at the time of layoff.

(c) State-wide layoff list.

(d) Combined eligible list as provided in WAC 251-18-180(10) and 251-18-240 (3)(b)(ii) when the person appointed is neither a permanent employee of the institution nor an employee moving pursuant to WAC 251-19-110.

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

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

(a) The employee shall begin a probationary period in the new class;

(b) The salary in the new class shall be established as provided in WAC 251-08-080;

(c) The former periodic increment date shall be abolished and a new periodic increment date established in the same manner as provided in WAC 251-08-100(2).

[Statutory Authority: RCW 28B.16.100. 88-02-018 (Order 165), § 251-19-050, filed 12/30/87, effective 2/1/88.]

WAC 251-19-060 Trial service period. (1) A trial service period of six months shall be required upon appointment of a permanent employee to a new class at the institution, unless

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

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

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

(d) The employee is moving to the class as part of a recognized apprenticeship program as provided in WAC 251-19-140(5).

(2) A trial service period of six months shall be required upon employee movement as specified in WAC 251-19-110.

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

(a) With preemptive rights to the former position in which permanent status was last held, or to a vacant position in that class (except when reversion is from a position the appointment to which was a result of disciplinary demotion or employee movement as specified in WAC 251-19-110). The personnel officer shall determine which position to preempt. However, if the employee was in a trial service appointment in another

class prior to the current trial service period, the personnel officer may provide the employee the opportunity to complete the first interrupted trial service period.

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

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

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

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

(b) A reasonable opportunity to overcome identified deficiencies.

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

(a) Whether the employer complied with the requirements of subsection (4)(a) and (b) of this section; and

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

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

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

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

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

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

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

(c) Upon trial service appointment to a class at the same salary level, the salary and periodic increment date shall remain unchanged.

[Statutory Authority: RCW 28B.16.100. 88-02-018 (Order 165), § 251-19-060, filed 12/30/87, effective 2/1/88.]

WAC 251-19-070 Appointment--Alternate. Application of the alternate appointment rule shall apply only to unique research classes pre-approved by the board. An alternate appointment for research positions shall consist of the six month period following appointment from a layoff list or an option taken in lieu of layoff. This provides the employing official an opportunity to observe the employee's work and determine whether or

not he/she can perform in that specific position. If it is determined that the employee cannot perform, as documented by a written performance review, the employee shall be placed on the appropriate layoff list or provided other transfer options as available. The director shall be notified on a monthly basis of the new positions in which the alternate appointment rule is used.

Application of this rule shall be appealable under the same provisions as WAC 251-12-080 et seq.

[Statutory Authority: RCW 28B.16.100. 88-02-018 (Order 165), § 251-19-070, filed 12/30/87, effective 2/1/88.]

WAC 251-19-080 Appointment--Permanent status. Permanent status appointments shall be made under the following conditions:

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

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

(3) Transfer within a class at the institution.

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

(5) Conversion, per the provisions of WAC 251-19-160, of the incumbent of an exempt position which is converted to classified status, provided the incumbent has been employed for at least six months in the exempt position.

[Statutory Authority: RCW 28B.16.100. 88-02-018 (Order 165), § 251-19-080, filed 12/30/87, effective 2/1/88.]

WAC 251-19-090 Reassignment. The appointing authority may reassign an employee to a different position within the same class. Such reassignment shall not result in a change in salary or periodic increment date.

[Statutory Authority: RCW 28B.16.100. 88-02-018 (Order 165), § 251-19-090, filed 12/30/87, effective 2/1/88.]

WAC 251-19-100 Transfer--Lateral movement--Voluntary demotion. (1) The personnel officer for each institution shall develop a "transfer/lateral movement/voluntary demotion procedure" to provide reasonable opportunity for employees desiring to transfer within class or to voluntarily demote or move laterally to classes where they have previously attained permanent status at the institution, or equivalent classes as determined by the personnel officer, when:

(a) The action is by employee request; or

(b) The personnel officer determines that the employee seeking the action is no longer able to perform in the current class due to physical or mental incapacity; or

(c) The employee's position is being reallocated upward and the employee is not appointed to the reallocated position.

(2) Except as provided in subsection (1) of this section, permanent employees who wish to be considered for appointment to classes with an equal or lower salary range maximum than their current class must apply in

accord with institutional procedure, meet the minimum qualifications, pass the examination and be placed on the appropriate eligible list for the class.

(3) Upon appointment via the provisions of this rule, the following shall apply:

(a) For voluntary demotion, the salary shall be determined by the personnel officer and the periodic increment date shall remain unchanged.

(b) For transfer within class or lateral movement, the salary and periodic increment date shall remain unchanged.

[Statutory Authority: RCW 28B.16.100. 88-02-018 (Order 165), § 251-19-100, filed 12/30/87, effective 2/1/88.]

WAC 251-19-110 Permanent classified employee interinstitutional and intersystem movement. Permanent classified employees desiring to promote, transfer, laterally move, or voluntarily demote to positions at other institutions/related boards or state agencies will:

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

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

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

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

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

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

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

(8) Retain their former periodic increment date except upon promotion in accordance with WAC 251-08-100 (3)(a).

[Statutory Authority: RCW 28B.16.100. 88-02-018 (Order 165), § 251-19-110, filed 12/30/87, effective 2/1/88.]

WAC 251-19-120 Appointment--Temporary. (1) Temporary appointment may be made only to meet employment conditions set forth in the definition of "temporary appointment" in WAC 251-01-415.

(2) Temporary appointment to perform work in the absence of an employee on leave for ninety or more consecutive calendar days shall be made following certification from appropriate eligible lists of eligibles who have indicated willingness to accept such temporary appointment. Employees appointed to classified positions in accordance with this subsection are covered by chapter

28B.16 RCW and Title 251 WAC. Temporary appointment made in accordance with this subsection is not limited to the one hundred seventy-nine consecutive calendar day limitation identified in WAC 251-01-415(3) and subsection (5) of this section.

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

(4) Temporary appointment to positions identified in the definition of "temporary appointment" in WAC 251-01-415 (1)(a), (2), and (3) may be made without regard to the rules governing appointment.

(5) Upon prior approval of the director, a temporary appointment to a position identified in WAC 251-01-415 (1)(a) may be extended beyond the eighty-ninth day, however the total period of appointment shall not exceed one hundred seventy-nine consecutive calendar days.

(6) A permanent classified employee accepting temporary appointment to a position identified in the definition of "temporary appointment" in WAC 251-01-415 (1)(a), (2), and (3), shall retain and continue to receive all rights and benefits provided by these rules for the duration of the temporary appointment.

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

(8) Each institution shall file with the director a procedure which indicates their system for controlling and monitoring exempt positions as identified in RCW 28B.16.040(2).

[Statutory Authority: RCW 28B.16.100. 88-02-018 (Order 165), § 251-19-120, filed 12/30/87, effective 2/1/88.]

WAC 251-19-130 Appointment--Cyclic year position. (1) Cyclic year positions are to be filled in accord with chapters 251-17 and 251-18 WAC.

(2) At least fifteen calendar days before the start of each annual cycle, incumbents of cyclic year positions will be informed in writing of their scheduled periods of leave without pay in the ensuing annual cycle. Such leave without pay shall not constitute a break in service and shall not be deducted from the employees' length of service in granting periodic increments except as provided in WAC 251-08-100 (3)(f), nor in computing the employees' vacation leave accrual rate.

(3) When additional work is required of a cyclic year position during a period for which the position was scheduled for leave without pay, the temporary work will be offered to the incumbent. The incumbent will be allowed at least three working days in which to accept or decline the offer.

[Statutory Authority: RCW 28B.16.100. 88-02-018 (Order 165), § 251-19-130, filed 12/30/87, effective 2/1/88.]

WAC 251-19-140 Apprenticeship programs. (1) Apprentices shall be employed and compensated under conditions appropriate for the particular apprenticeable

class which have been recommended by the joint apprenticeship committee as approved by the state apprenticeship council and the higher education personnel board. Each apprentice shall enter into a training contract with the joint apprenticeship committee and shall abide by its term and conditions.

(2) When an apprenticeship agreement is cancelled, the employee shall have the same reversionary employment rights he/she had available at the time of entering the apprenticeship program.

(3) When an employee moves into an apprenticeship program and he/she has a higher salary than is provided by the apprenticeship program, his/her salary shall be continued at the existing level until the employee has been in the apprenticeship program long enough to move onto the apprenticeship salary schedule without a reduction in salary.

(4) Incremental salary step increases shall be in accordance with the appropriate salary schedule but are not solely dependent upon time in grade. Objective evaluation of performance in on-the-job and related training may be justification to delay an incremental salary increase until training requirements for that step have been fulfilled. Conversely, objective evaluation of performance may be justification to advance incremental salary steps to the level equal to ability and training.

(5) Graduates from the apprenticeship program will be assigned to the mid-step of the journey scale and will remain until twelve months elapse before moving to the top step. Movement from the apprenticeship program into the journey class does not require competition and a trial service appointment is not required.

[Statutory Authority: RCW 28B.16.100. 88-02-018 (Order 165), § 251-19-140, filed 12/30/87, effective 2/1/88.]

WAC 251-19-150 Special employment programs.

(1) Special employment programs are those programs designated by the director which are designed and implemented to reduce unemployment and/or provide training opportunities to enable persons to become more employable. Special employment programs are funded in total, or in part, from sources other than the normal sources available to the institutions.

(2) Positions created for special employment programs are included in the regular classified service of an institution. Participants have the rights and benefits of classified employees, except as precluded by WAC 251-10-035 or higher statutory authority. The primary distinction is that each institution shall establish a separate layoff unit to include all special employment programs. When special employment program positions are abolished or when an incumbent must be separated due to the salary or longevity mandates of Public Law 95-524, layoffs will occur as provided in WAC 251-10-035.

[Statutory Authority: RCW 28B.16.100. 88-02-018 (Order 165), § 251-19-150, filed 12/30/87, effective 2/1/88.]

WAC 251-19-160 Appointment--Conversion of exempt position. (1) Incumbents of positions which are

converted from exempt to classified service for the following reasons may be placed within the classified service as provided in subsections (2) through (9) of this section:

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

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

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

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

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

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

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

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

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

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

(9) Layoff seniority for the incumbent shall be established based upon unbroken service at the institution.

[Statutory Authority: RCW 28B.16.100. 88-02-018 (Order 165), § 251-19-160, filed 12/30/87, effective 2/1/88.]

Chapter 251-22 WAC HOLIDAYS--LEAVE

WAC	
251-22-040	Holidays.
251-22-045	Personal holiday.
251-22-060	Vacation leave--Accrual.
251-22-070	Vacation leave--Use.
251-22-110	Sick leave--Use.
251-22-112	Bereavement leave.
251-22-115	Repealed.
251-22-117	Leave due to child care emergencies.
251-22-167	Disability leave.

251-22-170	Military training leave.
251-22-195	Parental leave.
251-22-200	Leave of absence without pay.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

251-22-115	Maternity leave. [Order 61, § 251-22-115, filed 8/30/77, effective 10/1/77; Order 29, § 251-22-115, filed 1/22/74.] Repealed by 88-13-019 (Order 168), filed 6/6/88. Statutory Authority: RCW 28B.16.100.
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WAC 251-22-040 Holidays. (1) Legal holidays are designated by statute. The following holidays are identified per RCW 1.16.050:

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

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

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

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

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

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

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

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

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

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

(10) Employees shall be entitled to one paid personal holiday per calendar year in addition to those specified in this section as provided in WAC 251-22-045.

[Statutory Authority: RCW 28B.16.100. 87-02-036 (Order 154), § 251-22-040, filed 1/2/87, effective 2/1/87; 86-08-037 (Order 146), § 251-22-040, filed 3/26/86, effective 5/1/86; 85-16-038 (Order 134), § 251-22-040, filed 7/31/85, effective 9/1/85; 83-20-020 (Order 108), § 251-22-040, filed 9/23/83, effective 10/24/83; 83-10-029 (Order 105), § 251-22-040, filed 4/29/83, effective 6/1/83; Order 61, § 251-22-040, filed 8/30/77, effective 10/1/77; Order 60, § 251-22-040, filed 7/18/77; Order 55, § 251-22-040, filed 6/1/76; Order 42, § 251-22-040, filed 5/23/75; Order 41, § 251-22-040, filed 3/17/75; Order 29, § 251-22-040, filed 1/22/74; Order 8, § 251-22-040, filed 6/17/71, effective 7/19/71; Order 3, § 251-22-040, filed 1/15/71.]

WAC 251-22-045 Personal holiday. (1) Each employee may select one personal holiday each calendar year, as indicated in WAC 251-22-040(10) and the institution/related board must grant the day, provided:

(a) The employee has been continuously employed by the institution for more than four months.

(b) The employee has given not less than fourteen calendar days written notice to the supervisor; provided, however, the employee and the supervisor may agree upon an earlier date; and

(c) The number of employees selecting a particular day off does not prevent providing continued public service.

(2) Entitlement to the holiday will not lapse when denied under (1)(c) above.

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

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

[Statutory Authority: RCW 28B.16.100. 87-02-036 (Order 154), § 251-22-045, filed 1/2/87, effective 2/1/87; 83-20-020 (Order 108), § 251-22-045, filed 9/23/83, effective 10/24/83; Order 61, § 251-22-045, filed 8/30/77, effective 10/1/77; Order 55, § 251-22-045, filed 6/1/76.]

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

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

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

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

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

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

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

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

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

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

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

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

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

(3) Per the provisions of WAC 251-19-130(2), the scheduled period of cyclic year position leave of absence without pay shall not be deducted for purposes of computing the rate of vacation leave accrual for cyclic year position employees.

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

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

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

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

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

(5) Vacation leave credits shall not accrue during a leave of absence without pay which exceeds ten working days in any calendar month, nor shall credit be given toward the rate of vacation leave accrual.

[Statutory Authority: RCW 28B.16.100. 88-02-017 (Order 164), § 251-22-060, filed 12/30/87, effective 2/1/88; 85-16-038 (Order 134), § 251-22-060, filed 7/31/85, effective 9/1/85; 83-20-020 (Order 108), § 251-22-060, filed 9/23/83, effective 10/24/83; 83-10-029 (Order 105), § 251-22-060, filed 4/29/83, effective 6/1/83; 79-03-029 (Order 71), § 251-22-060, filed 2/27/79, effective 4/2/79; Order 61, § 251-22-060, filed 8/30/77, effective 10/1/77; Order 49, § 251-22-060, filed 1/16/76; Order 47, § 251-22-060, filed 11/19/75; Order 23, § 251-22-060, filed 6/20/73, effective 1/1/74; Order 16, § 251-22-060, filed 7/27/72, effective 7/1/73.]

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

(2) All requests for vacation leave must be approved by the employing official or designee in advance of the effective date unless used for emergency child care as provided in WAC 251-22-117.

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

(4) Paid vacation leave may not be used in advance of its accrual.

[Statutory Authority: RCW 28B.16.100. 87-14-051 (Order 156), § 251-22-070, filed 7/1/87, effective 8/1/87; 84-08-032 (Order 113), § 251-22-070, filed 3/30/84, effective 5/1/84; 83-20-020 (Order 108), § 251-22-070, filed 9/23/83, effective 10/24/83; Order 61, § 251-22-070, filed 8/30/77, effective 10/1/77; Order 3, § 251-22-070, filed 1/15/71.]

WAC 251-22-110 Sick leave--Use. (1) Sick leave shall be allowed an employee under the following conditions:

(a) Because of and during illness, disability or injury which has incapacitated the employee from performing required duties.

(b) By reason of exposure of the employee to a contagious disease during such period as attendance on duty would jeopardize the health of fellow employees or the public.

(c) Because of emergencies caused by serious illness or injury of a family member fifteen years of age and over that require the presence of the employee to provide immediate necessary care of the patient or to make arrangements for extended care. The personnel officer may authorize sick leave use as provided in this subsection for other than family members. The applicability of "emergency," "necessary care" and "extended care" shall be made by the personnel officer.

(d) To care for a child (as identified in WAC 251-01-172) under the age of eighteen with a health condition that requires treatment or supervision, or to make arrangements for extended care.

(e) Because of illness or injury of a family member who is a person of disability and requires the employee's presence to provide short-term care or to make arrangements for extended care.

(f) To provide emergency child care for the employee's child (as identified in WAC 251-01-172). Such use of sick leave is limited to three days in any calendar year, unless extended by the personnel officer, and shall be used only as specified in WAC 251-22-117.

(g) Because of a family member's death that requires the assistance of the employee in making arrangements for interment of the deceased.

(h) For personal medical, dental, or optical appointments or for family members' appointments when the presence of the employee is required, if arranged in advance with the employing official or designee.

(2) Sick leave may be granted for condolence or bereavement.

[Statutory Authority: RCW 28B.16.100. 88-17-008 (Order 171), § 251-22-110, filed 8/5/88, effective 9/5/88; 88-13-019 (Order 168), § 251-22-110, filed 6/6/88; 87-14-051 (Order 156), § 251-22-110, filed 7/1/87, effective 8/1/87; Order 63, § 251-22-110, filed 11/22/77; Order 61, § 251-22-110, filed 8/30/77, effective 10/1/77; Order 39, § 251-22-110, filed 12/24/74; Order 29, § 251-22-110, filed 1/22/74; Permanent and Emergency Order 15, § 251-22-110, filed 7/14/72; Order 3, § 251-22-110, filed 1/15/71.]

WAC 251-22-112 Bereavement leave. Sick leave in addition to that as provided in WAC 251-22-100 shall be granted for bereavement as follows:

One day of bereavement leave shall be granted for each death of a family member. Bereavement leave may be extended to a maximum of three days with the approval of the employing official and the personnel officer.

[Statutory Authority: RCW 28B.16.100. 87-14-051 (Order 156), § 251-22-112, filed 7/1/87, effective 8/1/87; Order 61, § 251-22-112, filed 8/30/77, effective 10/1/77.]

WAC 251-22-115 Repealed. See Disposition Table at beginning of this chapter.

WAC 251-22-117 Leave due to child care emergencies. (1) Absence due to child care emergencies as defined shall be charged to one of the following:

- (a) Compensatory time;
- (b) Vacation leave;
- (c) Sick leave;
- (d) Personal holiday;
- (e) Leave of absence without pay.

(2) Use of any of the above leave categories is dependent upon the employee's eligibility to use such leave. Accrued compensatory time shall be used before any other leave is used.

(3) Use of vacation leave, sick leave, and leave of absence without pay for emergency child care is limited to a maximum of three days each per calendar year.

(4) The employee upon returning from such leave shall designate in writing to which leave category the absence will be charged. For the purpose of this section, advance approval or written advance notice of vacation leave, personal holiday, and/or leave of absence without pay shall not be required.

[Statutory Authority: RCW 28B.16.100. 87-14-051 (Order 156), § 251-22-117, filed 7/1/87, effective 8/1/87.]

WAC 251-22-167 Disability leave. (1) Disability leave shall be granted for a reasonable period to a permanent employee who is precluded from performing his/her job duties because of a disability (including those related to pregnancy or childbirth). The disability and recovery period shall be as defined and certified by a licensed health care provider, subject to a second opinion at the employer's expense.

(2) Disability leave may be a combination of sick leave, vacation leave, personal holiday, compensatory time, and leave of absence without pay and shall be granted at the written request of the employee. Except as described in subsection (3) of this section, the combination and use of paid and unpaid leave during a disability leave shall be per the choice of the employee.

(3) The employee shall be allowed to use eight hours of accrued paid leave per month for up to four months during a disability leave of absence without pay to provide for continuation of state employees insurance board benefits. The employer shall designate on which day of each month the eight hours paid leave will be used.

[Statutory Authority: RCW 28B.16.100. 87-20-025 (Order 161), § 251-22-167, filed 9/30/87.]

WAC 251-22-170 Military training leave. (1) Employees shall be entitled to leave with pay not to exceed fifteen days in any one calendar year for active duty in the national guard; army, air, marine, or naval reserve forces of the United States for annual field training or otherwise discharging reserve obligations.

(2) Such leave shall be in addition to any vacation leave to which an employee is entitled and shall not result in any loss of benefits, privileges or pay.

(3) During military training leave, the employee shall receive the normal base pay.

(4) Employees required to appear during working hours for a physical examination to determine physical fitness for military service shall receive full pay for the time required to complete the examination.

[Statutory Authority: RCW 28B.16.100. 87-20-025 (Order 161), § 251-22-170, filed 9/30/87; 83-20-020 (Order 108), § 251-22-170, filed 9/23/83, effective 10/24/83; Order 61, § 251-22-170, filed 8/30/77, effective 10/1/77; Order 3, § 251-22-170, filed 1/15/71.]

WAC 251-22-195 Parental leave. (1) Parental leave may be granted to a permanent employee for the purpose of bonding with the employee's natural newborn or prekindergarten age adoptive child.

(2) The employee shall submit a written request for parental leave to the employing official or designee and must receive the approval of both the employing official and the personnel officer. Requests may be denied only on the basis of operational necessity. Within ten working days of the receipt of the request, the institution shall provide the employee with a written response and, if the leave is denied, rationale supporting the operational necessity and the notice of the employee's right to appeal per WAC 251-12-076.

(3) Parental leave may be a combination of vacation leave, personal holiday, compensatory time, and leave of absence without pay and must immediately follow disability leave if taken. Except as described in subsection (4) of this section, the combination and use of paid and unpaid leave during a parental leave shall be per choice of the employee. Parental leave shall not extend beyond four months after the child's birth or placement, unless additional time is granted by the personnel officer.

(4) The employee shall be allowed to use eight hours per month of the accrued paid leave identified in subsection (3) of this section for up to four months during a parental leave of absence without pay to provide for continuation of state employees insurance board benefits. The employer shall designate on which day of each month the eight hours paid leave will be used.

[Statutory Authority: RCW 28B.16.100. 87-20-025 (Order 161), § 251-22-195, filed 9/30/87.]

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

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

- (a) Conditions applicable for leave with pay;
- (b) Disability leave;
- (c) Educational leave;
- (d) Leave for government service in the public interest;
- (e) Parental leave;
- (f) Child care emergencies;
- (g) To accommodate annual work schedules of employees occupying cyclic year positions as specified in WAC 251-19-130.

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

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

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

(5) A classified employee taking an appointment to an exempt position shall be granted a leave of absence without pay, with the right to return to his/her regular position, or to a like position at the conclusion of the exempt appointment; provided application for return to classified status must be made not more than thirty calendar days following the conclusion of the exempt appointment.

[Statutory Authority: RCW 28B.16.100. 87-20-025 (Order 161), § 251-22-200, filed 9/30/87; 87-14-051 (Order 156), § 251-22-200, filed 7/1/87, effective 8/1/87; 85-16-038 (Order 134), § 251-22-200, filed 7/31/85, effective 9/1/85; 84-12-047 (Order 117), § 251-22-200, filed 6/1/84; 83-20-020 (Order 108), § 251-22-200, filed 9/23/83, effective 10/24/83; 83-10-029 (Order 105), § 251-22-200, filed 4/29/83, effective 6/1/83; 82-16-002 (Order 98), § 251-22-200, filed 7/22/82, effective 9/1/82; 78-06-068 (Order 68), § 251-22-200, filed 5/25/78, effective 7/1/78; Order 61, § 251-22-200, filed 8/30/77, effective 10/1/77; Order 12, § 251-22-200, filed 5/23/72, effective 6/25/72; Order 3, § 251-22-200, filed 1/15/71.]

**Chapter 251-23 WAC
AFFIRMATIVE ACTION**

WAC

251-23-015 Affirmative action rules—Noncompliance.
251-23-040 Affirmative action plans—Content.
251-23-050 Affirmative action—Goals and timetables.

251-23-060 Affirmative action—Supplemental certification.

WAC 251-23-015 Affirmative action rules—Non-compliance. Pursuant to RCW 49.74.020 through 49.74.040, noncompliance with the rules contained in this chapter is within the jurisdiction of the Washington state human rights commission.

[Statutory Authority: RCW 28B.16.100. 87-16-045 (Order 158), § 251-23-015, filed 7/29/87, effective 9/1/87.]

WAC 251-23-040 Affirmative action plans—Content. Each higher education institution/related board shall apply affirmative action plans/programs to increase the representation of protected group members in their workforce when it is determined that a particular group is underutilized. Affirmative action plans/programs shall address recruitment, appointment, promotion, transfer, training and career development, and shall include but not be limited to the following:

(1) An equal employment opportunity/affirmative action policy statement.

(2) An identification of the individual responsible for implementing the affirmative action plan/program and the specific responsibilities of that individual.

(3) Provisions for internal and external communication of the affirmative action plan/program.

(4) A workforce profile by race/ethnic origin, sex, age, disability, Vietnam-era and disabled veteran status and job class/category and provisions for ascertaining the same.

(5) The development and implementation of utilization analyses, goals, and timetables based on availability.

(6) An identification of the causes of underutilization and/or problem areas related to underutilization.

(7) The development and implementation of specific programs for correcting the identified causes of underutilization and/or problem areas, in order to achieve goals, such as:

(a) Provision for supplemental certification of underutilized groups from all eligible lists, except institution-wide layoff lists, in accordance with WAC 251-23-060;

(b) Provision that, when goals exist for a class and when it is determined by the personnel officer that an eligible list does not contain sufficient numbers of members of underutilized protected groups, applicants who are members of such groups and who meet the minimum qualifications for the class may be admitted to the examination at any time. Those who pass the examination for the class shall be placed on the appropriate eligible list;

(c) Provision for members of protected groups to enter the employment process, but not to exclude others from it;

(d) Provision for special employee training and development programs and selective appointment of employees who are members of protected groups into the programs, in accordance with WAC 251-24-030(8).

(8) A system for monitoring and evaluating progress under the affirmative action plan/program including reports to the president/chief executive officer of the institution/related board.

(9) Supportive programs, internally and externally, which will enhance the achievement of affirmative action goals.

[Statutory Authority: RCW 28B.16.100. 87-02-036 (Order 154), § 251-23-040, filed 1/2/87, effective 2/1/87; 86-06-034 (Order 145), § 251-23-040, filed 2/28/86, effective 4/1/86.]

WAC 251-23-050 Affirmative action--Goals and timetables. Each higher education institution/related board shall develop and implement goals and timetables for hiring and/or promoting members of protected groups into job classes/categories where it has been determined that underutilization exists.

(1) Goals shall be established based on the relevant availability statistics and in direct relationship to the institution's/related board's workforce profile and utilization analysis.

(2) Timetables shall be developed on both a short-range (one year) and/or a long-range (three to five years) basis, whichever is determined to be appropriate for correcting identified areas of underutilization.

[Statutory Authority: RCW 28B.16.100. 87-02-036 (Order 154), § 251-23-050, filed 1/2/87, effective 2/1/87; 86-06-034 (Order 145), § 251-23-050, filed 2/28/86, effective 4/1/86.]

WAC 251-23-060 Affirmative action--Supplemental certification. When an institution/related board is utilizing an approved affirmative action program in accordance with WAC 251-23-020 and 251-23-040 (7)(a), and when the initial certification process does not provide the names of at least three eligibles who are members of the specific underutilized protected group(s), the personnel officer shall certify from the eligible list up to three additional eligibles who meet the applicable affirmative action criteria. Such additional certification shall be made in strict order of standing on the eligible list. Certification of additional eligibles shall not result in more than a total of three eligibles from the specific underutilized protected group(s).

[Statutory Authority: RCW 28B.16.100. 87-02-036 (Order 154), § 251-23-060, filed 1/2/87, effective 2/1/87; 86-06-034 (Order 145), § 251-23-060, filed 2/28/86, effective 4/1/86.]

Chapter 251-24 WAC

EMPLOYEE DEVELOPMENT AND TRAINING

WAC

251-24-050 Training--General provisions.

WAC 251-24-050 Training--General provisions. (1) Voluntary attendance in training courses outside of regular working hours does not constitute grounds for overtime or compensatory time off.

(2) Required attendance in courses which are outside of regular working hours and which are work related or meet an identified institution need is considered "paid time training" and constitutes time worked.

(3) Upon completion of institution approved training programs, respective eligible lists may be opened to employees who meet the minimum qualifications and desire to be examined, as provided in WAC 251-17-090(5).

[1988 WAC Supp--page 1052]

[Statutory Authority: RCW 28B.16.100. 88-02-017 (Order 164), § 251-24-050, filed 12/30/87, effective 2/1/88; Order 61, § 251-24-050, filed 8/30/77, effective 10/1/77; Order 36, § 251-24-050, filed 8/20/74; Order 29, § 251-24-050, filed 1/22/74.]

Title 254 WAC

HISTORIC PRESERVATION, ADVISORY COUNCIL ON

Chapter

254-20

Special valuation for historic properties.

Chapter 254-20 WAC

SPECIAL VALUATION FOR HISTORIC PROPERTIES

WAC

254-20-090 Responsibilities of the owner--Application requirements.

WAC 254-20-090 Responsibilities of the owner--Application requirements. (1) The owner of an historic property desiring special valuation shall apply to the assessor of the county in which the historic property is located upon forms prescribed by the department of revenue and supplied by the county assessor.

(2) In order to be eligible for special valuation, applications must be made not later than October 1 of the calendar year preceding the assessment year for which special valuation is sought.

(3) The owner shall be required to pay only such fees as are necessary to process and record documents pursuant to chapter 84.26 RCW.

(4) Applications shall include a legal description of the historic property. The owner shall also provide comprehensive exterior and interior photographs of the historic property before and after rehabilitation, architectural plans or other legible drawings depicting the completed rehabilitation work, and a notarized affidavit attesting to the actual cost of the rehabilitation work completed prior to the date of application and the period of time during which the work was performed.

(5) For properties located within historic districts, the application shall also include, in addition to the information specified in subsection (4) of this section, a statement from the secretary of the interior or the appropriate local official, as specified in local administrative rules, or by the local government, indicating that the property is a certified historic structure.

(6) Property owners applying for special valuation under these rules shall make available to the local review board documentation as to the actual cost of the rehabilitation project and the period of time during which the rehabilitation took place.

[Statutory Authority: RCW 84.26.120. 87-03-039 (Order 86-11), § 254-20-090, filed 1/16/87; 86-21-103 (Order 86-11), § 254-20-090, filed 10/20/86.]