

may be conducted, and protecting the confidentiality of the results, provided the results may be disclosed in an action or proceeding challenging any disciplinary action arising from the incident which led to the test. The agency's proposed policy must be submitted to the affected exclusive bargaining representative or representatives and approved by the director of the department of personnel before implementation.

(3) An employee who is found to be impaired on the job due to the use of controlled substances may be subject to disciplinary action in accordance with existing laws and regulations, but the results of such drug test shall provide no additional or independent basis for disciplinary action.

(4) In the event an employee is found to have used controlled substances, the agency shall inform the employee of available assistance through the employee advisory service or other similar program.

(5) Nothing herein shall prevent an agency from conducting medical screening to monitor exposure to toxic or other unhealthy substances in the work place, provided such screenings are limited to the specific substances reasonably believed to be present.

(6) Except as expressly set forth above, nothing herein shall add to or detract from any agency authority under chapter 41.06 RCW or regulations of the state personnel board to establish job performance standards, or conditions of employment, or to base continued employment on satisfactory job performance.

[Statutory Authority: RCW 41.06.150, 88-03-042 (Order 291), § 356-46-125, filed 1/19/88, effective 3/1/88.]

### Chapter 356-47 WAC

#### CAREER EXECUTIVE PROGRAM

##### WAC

356-47-030 Career executive program—General provisions.  
356-47-045 Career executive program—Employee selection.

**WAC 356-47-030 Career executive program—General provisions.** (1) No more than one percent of employees covered by chapter 41.06 RCW, the state civil service law, may be placed in the career executive program at one time.

(2) Employees shall not be placed in positions in the career executive program without their prior agreement.

(3) Employees holding temporary, emergency, or intermittent appointments to classified career executive positions are not considered to be participants in the career executive program.

(4) Employees shall not be offered reduction-in-force options or trial service reversion right to positions within the career executive program.

[Statutory Authority: RCW 41.06.150, 88-18-096 (Order 308), § 356-47-030, filed 9/7/88, effective 11/1/88; 86-12-035 (Order 250), § 356-47-030, filed 5/30/86, effective 7/1/86. Statutory Authority: RCW 41.06.150(17), 81-20-068 (Order 162), § 356-47-030, filed 10/6/81.]

[1988 WAC Supp—page 2308]

**WAC 356-47-045 Career executive program—Employee selection.** (1) The following general provisions apply to placing persons in the career executive program:

(a) Appointments shall be the responsibility of the agency director.

(b) Appointments shall be made in accordance with agency affirmative action plans.

(c) Appointments may be made without regard to established minimum qualifications.

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

(2) A permanent employee of a classified position that is nominated for inclusion in the career executive program shall, with the employees' consent, automatically move with the position into the program when the position is approved by the personnel board. This provision does not apply to persons holding temporary, emergency, or intermittent appointments to such positions.

(3) Vacant classified career executive positions shall be filled as follows:

(a) Recruitment may be conducted to fill vacancies. The recruitment plan shall be developed by the appointing agency in consultation with the department of personnel; provided that:

(i) Recruitment shall be conducted if the agency director intends to consider persons who are not permanent state employees.

(ii) The names of applicants who have successfully undergone an eligibility evaluation of managerial qualifications developed and administered by the department of personnel shall be transmitted to the appointing agency. The agency director may consider all eligible names transmitted; or

(b) The agency director may appoint a permanent employee to a vacant position without conducting recruitment: *Provided*, The candidate has passed the evaluation administered by the department of personnel. Such appointments shall be made in accordance with procedures established by the department of personnel.

(c) Agencies shall notify the director of personnel, or designee, of appointments to career executive positions within fifteen calendar days after the appointment. Such notice shall identify the appointee, the position, and the effective date of appointment.

[Statutory Authority: RCW 41.06.150, 88-18-096 (Order 308), § 356-47-045, filed 9/7/88, effective 11/1/88; 86-12-035 (Order 250), § 356-47-045, filed 5/30/86, effective 7/1/86.]

## Title 358 WAC

### PERSONNEL APPEALS BOARD

#### Chapters

358-20 Appeals—Filings—Declaratory rulings.  
358-30 Hearings—Procedures.

## Chapter 358-20 WAC

## APPEALS--FILINGS--DECLARATORY RULINGS

## WAC

358-20-040 Filing appeals.

**WAC 358-20-040 Filing appeals.** (1) An appeal must be received in writing at the principal office of the personnel appeals board within 30 days after: (a) The effective date of the disciplinary or dismissal for abandonment action (WAC 358-20-010); (b) notification of disability separation (WAC 358-20-010); (c) notification of the allocation determination of the director of personnel or director's designee made pursuant to WAC 356-10-060(5) (WAC 358-20-030); or (d) the employee could reasonably be expected to have knowledge of the action giving rise to a law or rule violation claim under WAC 358-20-020 or the stated effective date of the action, whichever is later.

(2) The appeal shall include the name and address of the appellant, the name of the employing agency, and a telephone number at which the appellant can be reached. Appellants who are represented shall include the name, address and telephone number of their representative.

(3) An appeal of a violation of the state civil service law or the merit system rules must cite the law(s) or rule(s) which the appellant claims has been violated, the particular circumstances of the alleged violation, how the employee is adversely affected by the alleged violation, and the remedy requested.

(4) Forms which may be used in filing appeals shall be available from the executive secretary of the board. The forms shall contain appropriate spaces for the information required by subsections (2) and (3) of this rule. Appellants may prepare and use their own appeal documents. However, such documents must contain all of the information required by subsections (2) and (3) of this rule.

(5) Upon receipt of an appeal, the executive secretary may review the document(s) filed to determine whether the information required by subsections (2) and (3) of this rule has been provided. If any of the required information is not contained on the appeal documents, the executive secretary shall direct the appellant, with notification to all affected parties, to provide such information. The appellant must provide the missing information to the executive secretary within fifteen calendar days of the date the executive secretary mails the notification. Upon receipt of the requested information, the executive secretary of the personnel appeals board shall send a copy to the other affected parties.

(6) If an appellant fails to provide required information within the time limits set forth in subsection (5) of this rule, the executive secretary shall note the matter for a dismissal hearing before the board. At the dismissal hearing, the appellant shall have the burden of demonstrating compliance with subsections (2) and (3) of this rule. The respondent(s) may appear and present argument at the dismissal hearing.

(7) Failure of an appellant to comply with the requirements of this rule may result in dismissal for failure to state grounds for an appeal.

[Statutory Authority: Chapter 41.64 RCW. 87-20-035 (Order 87-1), § 358-20-040, filed 9/30/87. Statutory Authority: RCW 41.64.060 and chapter 41.64 RCW. 82-14-007 and 82-16-027 (Orders 82-1 and 82-1A), § 358-20-040, filed 6/25/82 and 7/28/82. Statutory Authority: Chapter 41.64 RCW. 82-01-053 (Order 81-4), § 358-20-040, filed 12/16/81.]

Chapter 358-30 WAC  
HEARINGS--PROCEDURES

## WAC

358-30-015 Motion for more definite statement.

**WAC 358-30-015 Motion for more definite statement.** (1) When an appeal is filed pursuant to WAC 358-20-020, the respondent may move for an order requiring the appellant to provide any information required by subsections (2) and (3) of WAC 358-20-040 which does not appear in the appeal documents and/or to make the allegations sufficiently clear to enable the respondent to prepare its defense. Any such motion must be made within fifteen calendar days of the mailing of the acknowledgment required in WAC 358-30-010, or, if the executive secretary requires more information pursuant to WAC 358-20-040(5), within fifteen calendar days after the appellant's response is filed. The board will examine the motion and the appeal, and, if it finds merit in the motion, shall issue such order as it deems necessary to obtain compliance with WAC 358-20-040.

(2) If the motion is granted, the appellant shall provide the information required within fifteen calendar days of the date of the order. Failure to provide the required information in a timely manner may result in dismissal of the appeal for failure to state grounds for an appeal.

(3) If a respondent does not move for an order to correct deficiencies within the prescribed time, any objection on its part to the sufficiency of the appeal shall be deemed waived.

[Statutory Authority: Chapter 41.64 RCW. 87-20-035 (Order 87-1), § 358-30-015, filed 9/30/87.]

Title 360 WAC  
PHARMACY, BOARD OF

## Chapters

360-08	Practice and procedure.
360-10	Internship requirements.
360-12	Pharmacists.
360-13	Extended care facility.
360-16	Pharmacies.
360-18	Licensing periods and fees.
360-36	Regulations implementing the Uniform Controlled Substances Act.
360-38	Precursor substance control.