

Title 82 WAC

FINANCIAL MANAGEMENT, OFFICE OF

(Formerly: Office of Program Planning and Fiscal Management)

Chapters

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- 82-12 Payment of assessments against state-owned land.
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Chapter 82-10 WAC

PUBLIC FUNDS CASH FLOW

WAC

- 82-10-010 Estimate of cash flow.
- 82-10-020 Agency to provide information.
- 82-10-030 Purview of state treasurer.

WAC 82-10-010 Estimate of cash flow. This rule is promulgated pursuant to RCW 43.41.110(13). The office of financial management (OFM) is the primary agency responsible to estimate the cash flow of the state general fund and accounts in the general fund. OFM has the responsibility to manage funds to enhance the cash flow position of the general fund and accounts in the general fund after consultation with any affected agency, council, commission, department or office.

[Statutory Authority: RCW 43.41.110(13). 82-20-028 (Order 1982-1), § 82-10-010, filed 9/30/82.]

WAC 82-10-020 Agency to provide information. In order to carry out the provision of WAC 82-10-010, state agencies, councils, commissions, departments, or offices depositing, transferring or disbursing funds from the general fund or accounts in the general fund will provide such information as deemed necessary by OFM to estimate and manage the cash flow of the general fund.

[Statutory Authority: RCW 43.41.110(13). 82-20-028 (Order 1982-1), § 82-10-020, filed 9/30/82.]

WAC 82-10-030 Purview of state treasurer. The state treasurer's office is the state agency responsible to

oversee daily cash management operations of all treasury and trust funds in the state treasury. Where permitted by state law, this responsibility includes the monitoring and estimation of all funds in the treasury, the collection and processing of all receipts into the treasury, the issuance of payments and the investment of temporarily surplus funds.

[Statutory Authority: RCW 43.41.110(13). 82-20-028 (Order 1982-1), § 82-10-030, filed 9/30/82.]

Chapter 82-12 WAC

PAYMENT OF ASSESSMENTS AGAINST STATE-OWNED LAND

WAC

- 82-12-001 Promulgation.
- 82-12-010 "Director," "agency head," defined.
- 82-12-020 Notice of intention to make improvements.
- 82-12-030 Agency head to determine benefit and validity.
- 82-12-040 Exceptions and action based thereon.
- 82-12-050 Inclusion of proposed assessment in capital budget.
- 82-12-060 Statement of assessment—Delivery—Certification.
- 82-12-070 Reimbursement to general fund.
- 82-12-080 Basis for director's action in paying assessments.
- 82-12-090 Procedure for payment from appropriated or local funds.
- 82-12-100 Improvements in harbor areas and state tidelands.
- 82-12-110 Liens and sales for unpaid assessments.
- 82-12-120 Additional records to provide supporting information.

WAC 82-12-001 Promulgation. I, Warren A. Bishop, director of central budget agency of the state of Washington, by virtue of the authority vested in me under chapter 79.44 RCW, after due notice as provided under chapters 34.04 and 42.32 RCW, at a public hearing held in Olympia on December 4, 1964, do promulgate the following regulations.

[Order I, Promulgation, filed 12/7/64.]

WAC 82-12-010 "Director," "agency head," defined. For the purposes of these rules "the director" means the director of the central budget agency of the state of Washington. The chief administrative officer or the person or persons as charged by law with ultimate responsibility for administration of the agency of state government occupying, using or having jurisdiction over state-owned lands will be referred to as "agency head."

[Order I, Regulation 1, filed 12/7/64.]

WAC 82-12-020 Notice of intention to make improvements. Assessing district officials will submit a notice of intention to make improvements, together with an estimate of the amount to be charged to each lot, tract or parcel of land or other properties owned by the state

to be assessed for such improvements, and such notice shall be forwarded by registered or certified mail to the director and to the agency head of state government occupying or having jurisdiction over such lands at least thirty days prior to the date fixed for the hearing of the resolution or petition initiating such improvements. In the case of irrigation districts where state lands are situated in or to be taken into an irrigation district, the commissioner of public lands shall be served with a copy of the petition proposing to include such lands as is prescribed by RCW 87.03.025.

[Order I, Regulation 2, filed 12/7/64.]

WAC 82-12-030 Agency head to determine benefit and validity. It shall be the responsibility of the agency head having jurisdiction over lands to be assessed, or his duly authorized representative, to appear for the state of Washington in all assessment district hearings or otherwise insure that proposed improvements will specially benefit state-owned lands, that the proposed costs are just and equitable, and that the improvement is within the intent of the statutes governing that land.

[Order I, Regulation 3, filed 12/7/64.]

WAC 82-12-040 Exceptions and action based thereon. If the agency head determines that the proposed improvements are not specially beneficial to state-owned lands or are not authorized by law or that the amount assessed against state-owned lands is not the just and equitable portion of the cost of the improvements which the state should pay as specified in WAC 82-12-030 and RCW 79.44.020, then it shall be his responsibility to initiate formal action commensurate with his exceptions to said improvements. The agency head shall immediately notify the assessing district and the director by registered or certified mail of his exceptions. When necessary, the agency head shall utilize all legal remedies available to property owners to challenge the amount or validity of any assessment.

[Order I, Regulation 4, filed 12/7/64.]

WAC 82-12-050 Inclusion of proposed assessment in capital budget. When a state agency is the sole or principal beneficiary of a local improvement district assessment, and has some voice in determining the timing of the project, it shall include the proposed assessments in its regular capital budget.

[Order I, Regulation 5, filed 12/7/64.]

WAC 82-12-060 Statement of assessment--Delivery--Certification. When an assessment roll has been approved and confirmed, the assessing district, or in the case of an irrigation district the county treasurer, shall forward the statement of assessment to the director and to the agency head. The agency head shall investigate the assessment and submit a certification to the director that:

(1) The assessment claim is correct and properly chargeable to the state;

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(2) No funds were specifically appropriated to his agency or budgeted from local fund sources for payment of assessment claims, or that such funds have been expended;

(3) If interest is to be charged, that it is the same rate as for other property situated in the same assessing district:

(a) Statutory authority governing the interest rate charged will be referenced;

(b) Agency heads may request that such information be provided by the county treasurer submitting the assessment claim;

(4) It is a proper charge to the program(s) and fund(s) named, and the reasons therefor; and

(5) The certification statement shall identify the payee and the amount due.

[Order I, Regulation 6, filed 12/7/64.]

WAC 82-12-070 Reimbursement to general fund. In accordance with the provisions of section 2, chapter 21, Laws of 1963 ex. sess., or a similar section in subsequent appropriation bills, the director will reimburse the general fund for any assessment expenditures on behalf of an agency which is financed by other than general fund moneys, if any balance remains in the fund or funds which finance such agency, prior to the end of the state biennial fiscal period.

[Order I, Regulation 7, filed 12/7/64.]

WAC 82-12-080 Basis for director's action in paying assessments. The director's action in making payment of assessment or reimbursing the general fund for such payment will be based upon an analysis of statements (2), (3), and (4) of WAC 82-12-060. Agency determinations will be considered conclusive for statements (1) and (5).

[Order I, Regulation 8, filed 12/7/64.]

WAC 82-12-090 Procedure for payment from appropriated or local funds. The agency head of an agency that has available appropriated or local fund sources for the payment of assessment claims shall make such payments in accordance with the provisions of these regulations and the state budget and accounting procedures; and shall maintain such records as deemed necessary to provide certification to fulfill the requirements of chapter 79.44 RCW and these regulations.

[Order I, Regulation 9, filed 12/7/64.]

WAC 82-12-100 Improvements in harbor areas and state tidelands. Assessing districts shall not order local improvements that relate to the interest of the state in harbor areas and state tidelands until the written consent of the commissioner of public lands to the making of such improvements has been obtained; and/or the other conditions of RCW 79.44.040 have been complied with.

[Order I, Regulation 10, filed 12/7/64.]

WAC 82-12-110 Liens and sales for unpaid assessments. No lands of the state shall be subject to a lien for unpaid assessments, nor shall the interest of the state in any land be sold for unpaid assessments where assessment liens were attached to the lands prior to state ownership.

[Order I, Regulation 11, filed 12/7/64.]

WAC 82-12-120 Additional records to provide supporting information. The director may direct assessing districts and state agencies to maintain additional records to provide supporting information to fulfill the procedural requirements of certification as promulgated by this order.

[Order I, Regulation 12, filed 12/7/64.]

Chapter 82-16 WAC

PAYMENT OF TORT CLAIMS AGAINST THE STATE

WAC

82-16-010	Director—Agency head—Defined.
82-16-020	Directors' authority to pay exclusive—Certification of claims and judgment.
82-16-030	Forwarding settlements and judgments for payment—Forms.
82-16-040	Payments, to whom made—Satisfaction of judgments.
82-16-050	Agencies and funds charged.
82-16-060	Charge where more than one agency involved.
82-16-070	Reimbursements to tort claims account.
82-16-080	Relief from obligation to reimburse.
82-16-090	Reports to legislature.
82-16-100	Additional records to provide supporting information.
82-16-900	Appendix A—Certificate of tort claim settlement.
82-16-9001	Appendix B—Attorney general's certificate on tort judgment.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

82-16-001	Promulgation. [Order II, § 82-16-001, filed 12/7/64.] Repealed by Order 5, filed 4/28/69, effective 5/30/69 and Emergency Order 4, filed 3/27/69.
82-16-110	Moneys available for claims. [Order II, Regulation 11, filed 12/7/64.] Repealed by Order 5, filed 4/28/69, effective 5/30/69 and Emergency Order 4, filed 3/27/69.

WAC 82-16-010 Director—Agency head—Defined. For the purposes of these rules "the director" means the director, office of financial management of the state of Washington. The chief administrative officer or the person or persons as charged by law with ultimate responsibility for administering the state agency will be referred to as "agency head."

[Statutory Authority: RCW 4.92.170, 79-09-057 (Order 43), § 82-16-010, filed 8/24/79; Order 32, § 82-16-010, filed 7/19/76; Order II, Regulation 1, filed 12/7/64.]

WAC 82-16-020 Directors' authority to pay exclusive—Certification of claims and judgment. Payment of claims and judgments arising out of tortious conduct or under and pursuant to 42 U.S.C. Sec. 1981 et seq. shall not be made by any agency or department of state government with the exception of the director and he will

authorize and direct payment of moneys only from the tort claims revolving fund whenever: (1) The agency head or the designee of any such agency head certifies, and it is attested to by the attorney general, that a claim has been settled for ten thousand dollars or less under the authority of RCW 4.92.140, or (2) the clerk of the court has made and forwarded a certified copy of a final judgment in a court of competent jurisdiction and the attorney general certifies that the judgment is final and was entered in an action based on a claim arising out of tortious conduct or under and pursuant to 42 U.S.C. Sec. 1981 et seq.

[Statutory Authority: RCW 4.92.170, 79-09-057 (Order 43), § 82-16-020, filed 8/24/79; Order 32, § 82-16-020, filed 7/19/76; Order 5, § 82-16-020, filed 4/28/69, effective 5/30/69; Emergency Order 4, filed 3/27/69; Order II, Regulation 2, filed 12/7/64.]

WAC 82-16-030 Forwarding settlements and judgments for payment—Forms. Agency heads will forward administrative settlements for payment on the form as prescribed by Appendix A to these regulations, and after the certification form has been approved by the attorney general. The attorney general's certificate to accompany a final judgment by a court of competent jurisdiction is prescribed by Appendix B to these regulations.

[Order II, Regulation 3, filed 12/7/64.]

WAC 82-16-040 Payments, to whom made—Satisfaction of judgments. Payments of administrative settlements will be made directly to the claimant. Payments of judgments will be made to the clerk of the court for the benefit of the judgment creditors. Upon receipt of payment, the clerk shall satisfy the judgment against the state.

[Order II, Regulation 4, filed 12/7/64.]

WAC 82-16-050 Agencies and funds charged. Liability for and payment of claims arising out of tortious conduct or under and pursuant to 42 U.S.C. Sec. 1981 et seq. is a proper charge as part of the normal operating cost of those agencies of state government whose operations and activities give rise to the liability and a lawful charge against the moneys appropriated or available to such agencies. Within any agency the charge will be apportioned among such appropriated and other available moneys in the same proportion that the moneys finance the activity causing the liability.

[Order 32, § 82-16-050, filed 7/19/76; Order II, Regulation 5, filed 12/7/64.]

WAC 82-16-060 Charge where more than one agency involved. Whenever the operations and activities of more than one agency combine to give rise to a single liability, the director will determine the comparative responsibility of each agency for the liability. The director will cause an investigation to be made, and when deemed necessary conduct a hearing with the agencies concerned, to determine the degree of agency liability. The director's determinations will be final unless reversed by an order of a court of competent jurisdiction.

[Order II, Regulation 6, filed 12/7/64.]

WAC 82-16-070 Reimbursements to tort claims account. State agencies over which the director has authority to revise allotments under chapter 43.88 RCW will make reimbursements to the tort claims revolving fund for any payment made from it for the benefit of such agencies. The director will transfer or order the transfer to the revolving fund, from moneys available or appropriated to such agencies, those sums of money which are proper charges against them. Such amounts may be expended for the purposes for which the tort claims revolving fund was created by RCW 4.92.130 without further or additional appropriation.

[Order 5, § 82-16-070, filed 4/28/69, effective 5/30/69; Emergency Order 4, filed 3/27/69; Order II, Regulation 7, filed 12/7/64.]

WAC 82-16-080 Relief from obligation to reimburse. The director may relieve an agency of all or a portion of the obligation for reimbursement as provided in WAC 82-16-070 when he determines that such reimbursement would seriously disrupt or prevent substantial performance of the operations or activities of that state agency.

[Order II, Regulation 8, filed 12/7/64.]

WAC 82-16-090 Reports to legislature. The director, upon request, will report to the legislature the status of the tort claims revolving fund, all payments made therefrom, all reimbursements made thereto, and the identity of agencies of state government whose operations and activities give rise to liability, including those agencies over which he does not have authority to revise allotments.

[Statutory Authority: RCW 4.92.170. 79-09-057 (Order 43), § 82-16-090, filed 8/24/79; Order 5, § 82-16-090, filed 4/28/69, effective 5/30/69; Emergency Order 4, filed 3/27/69; Order II, Regulation 9, filed 12/7/64.]

WAC 82-16-100 Additional records to provide supporting information. The director may direct agencies to maintain additional records to provide supporting information for administrative determinations, and to satisfy the reporting requirements to be made to each session of the legislature.

[Order II, Regulation 10, filed 12/7/64.]

WAC 82-16-900 Appendix A--Certificate of tort claim settlement.

CERTIFICATE OF TORT CLAIM SETTLEMENT

TO THE DIRECTOR, OFFICE OF FINANCIAL MANAGEMENT OF THE STATE OF WASHINGTON:

The Director of (Agency) of the State of Washington certifies as follows:

(1) That a claim based on the tortious conduct of the State of Washington has been settled, with the approval of the Attorney General, under authority of RCW 4.92-.140, as amended.

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(2) That the tortious accident, occurrence or event took place on or about (Date) at or near (Location), more particularly described in the claim filed with the chief fiscal officer of the executive branch, and that (Name) is claimant therein.

(3) That the full amount of the settlement is \$-----

Payment in the amount of \$----- may therefore be made from the Tort Claims Revolving Fund to (Name) (Address) in accordance with the provisions of RCW 4.92.160, as amended.

Dated this ---- day of -----, 19--

Director of ----- (Agency)

Approved by:

SLADE GORTON Attorney General

APPENDIX A

Assistant Attorney General

[Statutory Authority: RCW 4.92.170. 79-09-057 (Order 43), § 82-16-900, filed 8/24/79; Order 5, Appendix A, (codified as WAC 82-16-900), filed 4/28/69, effective 5/30/69; Emergency Order 4, filed 3/27/69.]

WAC 82-16-9001 Appendix B--Attorney general's certificate on tort judgment.

ATTORNEY GENERAL'S CERTIFICATE ON TORT JUDGMENT

Plaintiff, } vs. } Defendant.

TO THE DIRECTOR, OFFICE OF FINANCIAL MANAGEMENT OF THE STATE OF WASHINGTON

IT IS HEREBY CERTIFIED That on ---- day of -----, 19--, a judgment was entered against the State of Washington in the above-entitled cause, ----- county cause no. -----, in the amount of \$----- plus costs of \$-----; and

IT IS FURTHER CERTIFIED That the judgment is based upon the tortious conduct of the State of Washington and that the judgment is final.

Payment in the amount of \$----- may therefore be made from the Tort Claims Revolving Fund to the clerk of the court for ----- county in accordance with the provisions of RCW 4.92.160, as amended.

DATED this _____ day of _____, 19___

SLADE GORTON
Attorney General

Assistant Attorney General

APPENDIX B

[Statutory Authority: RCW 4.92.170. 79-09-057 (Order 43), § 82-16-9001, filed 8/24/79; Order 5, Appendix B (codified as WAC 82-16-9001), filed 4/28/69, effective 5/30/69; Emergency Order 4, filed 3/27/69.]

Chapter 82-20 WAC
ELECTRONIC DEPOSIT OF SALARIES AND
STATE FUNDED BENEFITS

WAC

82-20-010	Purpose.
82-20-020	Payroll system requirements.
82-20-030	Agency requirements.
82-20-040	Recipient requirements.
82-20-050	Financial institution requirements.
82-20-060	Subsequent transactions.
82-20-070	Failure to comply.

WAC 82-20-010 Purpose. (1) RCW 43.08.085, as amended, makes provisions for the electronic deposit of salaries and state funded benefit payments into financial institutions subject to regulations adopted by the office of financial management.

(2) The policies and procedures contained in chapter 82-20 WAC for the deposit of salaries are consistent with the statutory authority cited in WAC 82-20-010(1).

(3) The term "recipient" means any state employee or any person to whom state funded public employees' retirement benefits, industrial insurance benefits, or state public assistance benefits are being paid.

[Statutory Authority: RCW 43.08.085. 82-05-030 (Order 53), § 82-20-010, filed 2/11/82.]

WAC 82-20-020 Payroll system requirements. Before any electronic fund transfer program may be implemented by a payroll system, the program is to be approved by the office of financial management. The payroll system is to develop a standard procedure to be followed by its using agencies. Such procedures are to include a provision for "notice of deposit" in lieu of warrant to be delivered to the affected recipient which is to contain at least:

- (1) The name of the institution receiving the deposit;
- (2) The recipient's account number;
- (3) The recipient's name; and
- (4) The amount of deposit.

[Statutory Authority: RCW 43.08.085. 82-05-030 (Order 53), § 82-20-020, filed 2/11/82.]

WAC 82-20-030 Agency requirements. (1) The agency is to establish controls to prevent loss of state funds. Controls are to include a positive system of validating the amounts to be transferred and verifying that

the amounts to be transferred for a recipient are actually due for work performed or benefits due.

(2) The agency is to limit approval for participation to those recipients who meet the requirements defined in WAC 82-20-040.

[Statutory Authority: RCW 43.08.085. 82-05-030 (Order 53), § 82-20-030, filed 2/11/82.]

WAC 82-20-040 Recipient requirements. To be eligible for participation in the program, a recipient must be an individual who:

(1) Is paid through a payroll system which is participating in an approved program;

(2) Is a recipient who is paid on a regularly scheduled payroll;

(3) Has completed the appropriate portion of the standard authorization form SF 6952, "Electronic funds transfer of salary authorization," or other form approved by the office of financial management;

(4) Has an account at a financial institution which is a member of an automated clearing house; and

(5) Will not create an unnecessary risk to the state.

[Statutory Authority: RCW 43.08.085. 82-05-030 (Order 53), § 82-20-040, filed 2/11/82.]

WAC 82-20-050 Financial institution requirements.

(1) Each participating financial institution must be a member of an automated clearinghouse, and observe all automated clearinghouse rules and regulations.

(2) Each participating financial institution must observe the requirements of Regulation E of the Federal Reserve System.

(3) Each participating financial institution must provide, when requested by the participating payroll system, positive confirmations on all prenotification requests transmitted for verification of a recipient's account number. If a positive means of confirmation is not required, the financial institution must provide a means by which the payroll system is notified of discrepancies on a timely basis. Deposits are not to be processed without a valid account number.

(4) Each participating financial institution is to complete the lower portion of the standard authorization form SF 6952, "Electronic funds transfer of salary authorization," or other form approved by the office of financial management when presented by a recipient. The form is to be returned to the recipient or agency payroll office upon completion.

(5) If a financial institution is presented an SF 6952 "Electronic funds transfer of salary authorization," or other form approved by the office of financial management by a recipient for processing, and the institution is not a member of an automated clearinghouse or is otherwise ineligible to participate in this program, it is the responsibility of the financial institution to notify the recipient of this fact.

(6) Subject to the approval of the office of financial management, a financial institution may reproduce form SF 6952, "Electronic funds transfer of salary authorization" for the sole purpose of preprinting the institution's name, address, and transit routing indicator. Any other

alterations to the format or content of the form are not allowed and will not be honored by state agencies.

(7) Each participating financial institution is responsible for adherence to the applicable federal and state statutes and regulations regarding the electronic transfer of funds.

(8) Financial institutions serving as a "payable through" bank will be considered the receiving institution for electronic fund transfers of the recipient's salaries or benefits if their American Bankers Association-Transit Routing Indicator is used as part of the recipient's account code.

(9) Financial institutions are to provide each participating recipient with a notice of initial disclosure as required by Regulation E. This notice is to include the mechanism to be used by the recipient for verification that the deposit by electronic funds transfer has been made.

[Statutory Authority: RCW 43.08.085. 82-05-030 (Order 53), § 82-20-050, filed 2/11/82.]

WAC 82-20-060 Subsequent transactions. The state assumes no responsibility for transfers made subsequent to the deposit of the recipient's net pay at the receiving institution designated on the authorization form SF 6952 "Electronic funds transfer of salary authorization," or other form approved by the office of financial management.

[Statutory Authority: RCW 43.08.085. 82-05-030 (Order 53), § 82-20-060, filed 2/11/82.]

WAC 82-20-070 Failure to comply. The state reserves the right to exclude or discontinue any financial institution from participation in the program if a history of chronic failure to comply with the requirements of this chapter, automated clearinghouse rules and regulations, or the requirements of Regulation E of the Federal Reserve Bank is present.

[Statutory Authority: RCW 43.08.085. 82-05-030 (Order 53), § 82-20-070, filed 2/11/82.]

Chapter 82-24 WAC MOVING EXPENSES

WAC

82-24-010	Purpose.
82-24-020	Definitions.
82-24-030	Per diem and mileage expenses.
82-24-040	Transferred employees qualified to receive allowable moving expenses.
82-24-050	New employees qualified to receive allowable moving expenses.
82-24-060	Responsibilities of agency head.
82-24-070	Responsibilities of state traffic manager, division of purchasing.
82-24-080	Moving household goods by common carrier.
82-24-090	Moving household goods in rental equipment.
82-24-100	Moving household goods in state-owned vehicles.
82-24-110	Mobile home moves.
82-24-120	Damage claim procedure.
82-24-130	Payment of moving expenses.

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WAC 82-24-010 Purpose. (1) RCW 43.03.110, as amended, makes provision for each office, commission or department to move a transferred employee's household goods and effects to the employee's new station within the state at the expense of the state; or in the alternative, to defray the costs of such a move by common carrier or otherwise at the expense of the state, subject to regulation by the director, office of financial management. RCW 43.03.120 allows payment of moving expenses of newly hired employees, necessitated by acceptance of state employment.

(2) Chapter 43.19 RCW, the state purchasing statute, requires that all agency requests for the purchase of material, equipment and supplies are to be processed through the division of purchasing. Service contracts determined to be best purchased under the provisions of chapter 43.19 RCW must also be processed by the division of purchasing, unless authority has been specifically delegated by the division of purchasing.

(3) The policies and procedures set forth in chapter 82-24 WAC for payment of moving expenses are consistent with the statutory authorities cited in WAC 82-24-010 (1) and (2).

[Statutory Authority: RCW 43.03.120. 79-09-056 (Order 42), § 82-24-010, filed 8/24/79, effective 10/1/79; Order 3, § 82-24-010, filed 4/4/68, effective 5/6/68.]

WAC 82-24-020 Definitions. (1) **Household goods.** Household goods include all household goods, personal effects and property used in a dwelling, and normal equipment and supplies used to maintain the dwelling, except for items covered in WAC 82-24-080 through 82-24-110.

(2) **Allowable moving costs – household goods.** Allowable moving costs – household goods include moving costs which may be paid for such household goods as are defined in WAC 82-24-020(1).

(3) **Relocation authorization form (A33).** The relocation authorization form, when properly filled out, constitutes the agency's authorization for a given move, and provides the basis for the state traffic manager to secure the necessary transportation. Any move for which payment or reimbursement is to be made, must be recorded on a relocation authorization form and transmitted to the state traffic manager. Relocation authorization Form A33 is to be used for moves by new employees and transferred employees and is available from the state purchasing division, central stores.

[Statutory Authority: RCW 43.03.120. 79-09-056 (Order 42), § 82-24-020, filed 8/24/79, effective 10/1/79; Order 3, § 82-24-020, filed 4/4/68, effective 5/6/68.]

WAC 82-24-030 Per diem and mileage expenses. Per diem and personal transportation expenses are *not* authorized for new hires and their families. Payment of per diem and personal transportation expenses authorized for transferred employees will be made in accordance with established procedures.

[Order 3, § 82-24-030, filed 4/4/68, effective 5/6/68.]

WAC 82-24-040 Transferred employees qualified to receive allowable moving expenses. Relocation expenses may be paid to present employees who are being transferred at the request of the agency. Agencies will be responsible for insuring that the transfer of a new employee is not used as a means to avoid other aspects of the moving expense regulations.

[Order 3, § 82-24-040, filed 4/4/68, effective 5/6/68.]

WAC 82-24-050 New employees qualified to receive allowable moving expenses. (1) Any agency may pay the moving expenses of a new employee necessitated by his acceptance of state employment, pursuant to mutual agreement with such employee in advance of his employment, provided that if such employee is in a classified service and that the employee has been duly certified from an eligible register. No offer or agreement for payment of moving expenses shall be made to a prospective member of the classified service prior to certification, except through appropriate public announcement by the department of personnel or other corresponding personnel agency.

(2) The payment of relocation expenses for new employees will be limited to those executive, professional or administrative personnel in supervisory positions or other personnel having both executive and professional status.

(3) When there is a demonstrable inability to fill a lower level position and when the filling of the position is essential in order to carry out the critically necessary work of the agency, the agency may obtain special authorization from the office of financial management to pay relocation expenses as an aid in filling the position.

In the case of classified employees, agencies should address their authorization requests jointly to the director of the office of financial management and to the director of the state department of personnel, or to the heads of other corresponding personnel agencies. The office of financial management will not authorize payment of moving expenses until advised by the appropriate personnel agency that it concurs with the need to pay moving expenses in order to fill the position.

In the case of exempt positions, authorization will be given only upon receipt of a written statement from the agency head.

The office of financial management will provide written authorization for payment of moving expenses when the agency:

(a) Can provide sufficient evidence of need with which the appropriate personnel department concurs. The agency should include in its request for special authorization for payment such evidence as prior recruiting efforts made to fill the position, the number of candidates on the register, salary differences between the state position and comparable positions in industry or other states, the distance the applicant needs to move in order to accept state employment, and other related evidence which supports the need to pay moving expenses.

(b) Can justify filling the position because of the critical nature of the work.

(c) Has the financial ability to pay the moving expenses.

(1989 Ed.)

(4) A provisional employee who is a successful candidate for a position in the classified service may be paid moving expenses if the position meets the requirements set forth in WAC 82-24-050 (2) and (3). In addition, the appropriate personnel department must have made a public announcement of the intent to pay moving expenses to the successful candidate and the employee has incurred moving expenses in reliance upon such announcement, and that pursuant to the terms of the announcement he is informed that he is eligible to receive reimbursement only after becoming a member of the classified service.

[Statutory Authority: RCW 43.03.120. 79-09-056 (Order 42), § 82-24-050, filed 8/24/79, effective 10/1/79; Order 3, § 82-24-050, filed 4/4/68, effective 5/6/68.]

WAC 82-24-060 Responsibilities of agency head. The agency head is responsible for:

(1) Authorizing the move and approving the expenses to be allowed by the agency under the rules described in this chapter.

(2) Signing the relocation authorization form.

(3) Sending two copies of the relocation authorization form to the state traffic manager, division of purchasing, department of general administration.

[Statutory Authority: RCW 43.03.120. 79-09-056 (Order 42), § 82-24-060, filed 8/24/79, effective 10/1/79; Order 3, § 82-24-060, filed 4/4/68, effective 5/6/68.]

WAC 82-24-070 Responsibilities of state traffic manager, division of purchasing. The state traffic manager is responsible for:

(1) Arranging for the transportation of the household goods, when necessary, upon receipt of a properly approved relocation authorization form.

(2) Receiving and approving carrier invoices prior to final approval and payment by the agency.

(3) Receiving and reviewing carrier invoices prior to payment by the employee and reimbursement by the agency for an employee not yet a member of the classified services.

[Order 3, § 82-24-070, filed 4/4/68, effective 5/6/68.]

WAC 82-24-080 Moving household goods by common carrier. (1) Allowable moving costs may be paid for up to 12,000 pounds of household goods including a reasonable allowance for packing, unpacking, insurance and (if authorized) 30 days storage in transit. Storage will be paid at either the origin or destination point of the move, but not at both places.

(2) Allowable moving costs may include insurance or transit protection costs. The maximum amount of state provided insurance is \$50,000 per move while in transit, in storage and delivery to or from the storage place. All adjustments of losses shall be based upon the replacement value of the items claimed. Coverage in excess of \$50,000 may be secured at the employee's expense.

(3) Allowable moving costs may include a charge by the common carrier for appliance disconnect and hookup.

(4) Items *excluded* from allowable moving costs are:

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(a) Movement of animals and articles of sentimental or high intrinsic value. The employee will personally arrange for and pay the costs of transportation of items such as jewelry, negotiables and collector items.

(b) Excessive hobby material and equipment, automobiles, boats, airplanes, camping vehicles and mobile homes which are not the primary residence of the employee, explosives and other dangerous goods, property liable to impregnate or otherwise damage the mover's equipment or other property, perishable foodstuffs subject to spoilage, building materials, fuel or other similar nonhousehold articles.

(c) Penalties imposed by a carrier as a result of negligence by the employee.

(d) Maid service or other third party convenience or services of a similar nature.

[Statutory Authority: RCW 43.03.110 and 43.03.120. 87-06-012 (Order 87-64), § 82-24-080, filed 2/20/87. Statutory Authority: RCW 43.03.120. 79-09-056 (Order 42), § 82-24-080, filed 8/24/79, effective 10/1/79; Order 3, § 82-24-080, filed 4/4/68, effective 5/6/68.]

WAC 82-24-090 Moving household goods in rental equipment. (1) If the employee estimates that the truck or trailer rental costs for a move will be less than \$500, competitive bids are not required. The employee may select the rental unit, pay the rental and submit the receipt direct to the agency for reimbursement. It is not necessary for the agency to submit the receipt to the division of purchasing.

(2) If the employee estimates that the truck or trailer rental costs will be \$500 or more, the employee must obtain three competitive bids. Reimbursement to the employee will be at the rate of the lowest bid. Prior to reimbursement, a copy of the receipt and of the bids must be provided to the division of purchasing for approval.

(3) Allowable moving costs may include a mileage allowance for towing a trailer by personal automobile and may be paid at the standard mileage rate.

(4) Transit insurance cannot be provided by the division of purchasing for household goods moved by the employee in a rental truck or trailer. The employee may secure and be reimbursed for transit insurance up to a maximum of \$50,000 coverage on his household goods.

(5) The maximum allowable moving costs may not exceed the cost of moving a maximum of 12,000 pounds of household goods between the same origin and destination points by common carrier.

(6) Items *excluded* from allowable moving costs are:

(a) Movement of animals and articles of sentimental or high intrinsic value. The employee will personally arrange for and pay the costs of transportation of items such as jewelry, negotiables and collector items.

(b) Excessive hobby material and equipment, automobiles, boats, airplanes, camping vehicles and mobile homes which are not the primary residence of the employee, explosives and other dangerous goods, property liable to impregnate or otherwise damage the mover's equipment or other property, perishable foodstuffs subject to spoilage, building materials, fuel or other similar nonhousehold articles.

(c) Penalties imposed by the rental agency as a result of negligence by the employee.

(d) Maid service or other third party convenience or services of a similar nature.

[Statutory Authority: RCW 43.03.110 and 43.03.120. 87-06-012 (Order 87-64), § 82-24-090, filed 2/20/87. Statutory Authority: RCW 43.03.120. 79-09-056 (Order 42), § 82-24-090, filed 8/24/79, effective 10/1/79; Order 3, § 82-24-090, filed 4/4/68, effective 5/6/68.]

WAC 82-24-100 Moving household goods in state-owned vehicles. (1) The driver of the state-owned vehicle must possess a valid driver's license. It is the responsibility of the agency to provide an experienced truck driver when the employee does not have adequate truck driving experience.

(2) Any reimbursement for containers, time spent packing, moving the household goods to the new location and unpacking shall be at the discretion of the agency.

(3) Transit insurance cannot be provided by the division of purchasing for goods moved by employees in state-owned vehicles. The employee may secure and be reimbursed for transit insurance up to a maximum of \$50,000 coverage on his household goods.

[Statutory Authority: RCW 43.03.120. 79-09-056 (Order 42), § 82-24-100, filed 8/24/79, effective 10/1/79; Order 3, § 82-24-100, filed 4/4/68, effective 5/6/68.]

WAC 82-24-110 Mobile home moves. (1) Allowable moving expenses may be paid for a mobile home which is the primary residence of the employee, provided the move is not within the same metropolitan area.

(2) Allowable moving costs may include the cost of having the mobile home moved by a professional mover. Allowable moving costs may include a combination of costs resulting from moving household goods by a common or other carrier and moving the mobile home by a professional mover.

(3) Allowable moving costs may include packing of contents of the mobile home and normal preparation of the mobile home for over-the-road movement.

(4) Transit insurance cannot be provided by the division of purchasing for mobile home moves. The employee may secure and be reimbursed for transit insurance up to a maximum of \$50,000 coverage.

(5) The maximum allowable moving costs may not exceed the cost of moving a maximum of 12,000 pounds of household goods between the same origin and destination points by common carrier.

(6) Items *excluded* from allowable moving costs are:

(a) Wrecker services necessary to place the unit in position for over-the-road movement; tire failure; temporary carriage or the installation of a removable undercarriage; movement or replacement of outside fuel tanks; and any costs incurred to bring the mobile home up to safety requirements for over-the-road movement.

(b) Penalties imposed by the mover as a result of negligence by the employee.

[Statutory Authority: RCW 43.03.110 and 43.03.120. 87-06-012 (Order 87-64), § 82-24-110, filed 2/20/87. Statutory Authority: RCW 43.03.120. 79-09-056 (Order 42), § 82-24-110, filed 8/24/79, effective 10/1/79; Order 3, § 82-24-110, filed 4/4/68, effective 5/6/68.]

WAC 82-24-120 Damage claim procedure. The employee should understand that any claim for loss or damage must be negotiated directly between the employee and the mover and/or insurance carrier. The state traffic manager, division of purchasing will provide claim forms to the employee for goods moved by common carrier, and will assist the employee and the carrier in resolving any dispute.

[Order 3, § 82-24-120, filed 4/4/68, effective 5/6/68.]

WAC 82-24-130 Payment of moving expenses. (1) The employee will be responsible for payment of moving expenses in excess of the allowable costs set forth in this chapter.

(2) The state traffic manager, division of purchasing, will advise state agencies of the proportionate share of the costs to be borne by the state and by the employee, when the total charges exceed the allowable costs. Charges are prorated on the basis of a ratio of the maximum weight allowed in WAC 82-24-080 to the total weight and will include all costs essential to the physical move of goods as a single unit.

(3) Prior to payment of the carrier invoice the employee and the agency are to review the invoice and indicate agreement or disagreement with the specified charges. In the event that either the employee or the agency feel that the charges are in error a written notice of the dispute is to be filed with the state traffic manager for resolution. The state traffic manager is to notify the carrier upon receipt of a notice of dispute.

(4) Agencies are to pay the entire amount of the uncontested carrier invoice and separately recover the employee's proportionate share of the cost of the move.

(5) New or transferred employees, when requesting moving services, are to execute a payroll deduction, prior to the state traffic manager, division of purchasing, securing moving services, authorizing the employing agency to withhold the total amount of the employee's share of the cost of the move commencing the first pay date after payment of the uncontested carrier's invoice by the agency. The deduction from the employee's pay is to be made after withholding of mandatory deductions but prior to withholding any voluntary deductions. Mandatory deductions are defined for purposes of this chapter as:

- Federal income tax
- Employee's share of OASI contributions
- Medical aid contributions
- Mandatory retirement contributions

Court ordered payments served on the agency

This payroll deduction authorization is to remain in force until the total amount of the employee's share of the cost of the move has been recovered.

(6) New or transferred employees who do not execute a payroll deduction authorization prior to the authorization of the move will be responsible for arranging their own move and making full payment directly to the carrier. The state will reimburse the employee under this circumstance for either the amount the state would have paid if the move had been arranged through the state

traffic manager, division of purchasing, or the actual cost incurred by the employee, whichever is less.

(7) The premium for the state household goods blanket insurance policy will be billed monthly by the department of general administration to agencies for employee moves covered by the policy during the month.

[Statutory Authority: RCW 43.03.110 and 43.03.120. 87-06-012 (Order 87-64), § 82-24-130, filed 2/20/87. Statutory Authority: RCW 43.03.120. 81-10-021 (Order 52), § 82-24-130, filed 4/28/81, effective 6/1/81; 79-09-056 (Order 42), § 82-24-130, filed 8/24/79, effective 10/1/79; Order 3, § 82-24-130, filed 4/4/68, effective 5/6/68.]

Chapter 82-28 WAC TRAVEL REGULATIONS

WAC

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WAC 82-28-010 Control of travel. (1) A positive system of control over travel, reimbursable under these regulations, shall be established by each agency providing for authorization or approval by the agency head or authorized designee. Authorization of travel should be exercised through the use of travel authorization form (Form A-40), or through other equally effective means. A travel authorization form shall be used whenever a travel advance is required by an employee. Travel expense vouchers (Form A-20) must also be approved by the agency head or authorized designee in the space provided on the form.

(2) Officers and employees are expected to exercise prudent judgment in incurring travel expenses on official state business. Excessive or unnecessary expenses shall not be approved or reimbursed. The number of employees from an agency attending a particular meeting should be the minimum necessary consistent with the benefit to be derived therefrom.

(3) The itinerary of an employee shall be planned to eliminate unnecessary travel in the performance of work assignments. Whenever it is feasible for two or more employees to travel on official business in one car, they should do so.

(4) Before placing an employee on travel status, the agency should determine whether it is more economical to reimburse the employee for subsistence and/or lodging, or require the employee to return to the official station or residence daily or on weekends.

(5) For purposes of these regulations, "in-state travel" includes travel within the state of Washington and shall be reimbursed at "in-state travel" rates.

(6) For purposes of these regulations, "out-of-state travel" includes travel anywhere outside the boundaries of the state of Washington and shall be reimbursed at "out-of-state travel" rates.

(7) Transportation shall be by tourist class. All exceptions must be approved in advance in writing by the agency head or authorized designee.

(8) For purposes of these regulations, "High cost locations—Continental U.S.A." are specific cities or areas within the forty-eight contiguous states and the District of Columbia.

(9) For purposes of these regulations, "High cost locations—Noncontinental U.S.A." are specific cities or areas in Alaska, Hawaii, the Commonwealth of Puerto Rico, and possessions of the United States throughout the world.

(10) For purposes of these regulations, "High cost locations—Foreign" are specific cities or areas in foreign nations or localities throughout the world.

[Statutory Authority: RCW 43.03.050 and 43.03.060. 83-24-047 (Order 83-60), § 82-28-010, filed 12/2/83; 79-04-010 (Order 41), § 82-28-010, filed 3/12/79, effective 4/15/79; Order 30, § 82-28-010, filed 6/1/76; Order 14, § 82-28-010, filed 7/27/71; Order 8, § 82-28-010, filed 6/16/70.]

WAC 82-28-020 Conventions and conferences. (1) When travel and other related costs are to be reimbursed or paid by the state for a conference, convention or other meeting of state employees, the location and facilities for the meeting shall be selected with consideration to the state's cost as well as the suitability of the facilities and convenience of any nonstate employees who will be attending. First priority shall be given to using state-owned facilities in lieu of renting or leasing other facilities.

(2) Where a convention, conference or meeting involves attendance of 10 or more state employees, the state employee responsible for the choice of location and facilities shall submit justification in writing to the agency head or authorized designee for approval. The justification is to include the purpose and objective of the meeting and disclose the name of the organization or persons expected to attend and an estimate of the attendance. It also is to provide an estimate of the anticipated cost to the state, including the travel cost of employees, and the reason why state-owned facilities cannot be used.

[Statutory Authority: RCW 43.03.050 and 43.03.060. 83-24-047 (Order 83-60), § 82-28-020, filed 12/2/83; Order 30, § 82-28-020, filed 6/1/76; Order 8, § 82-28-020, filed 6/16/70.]

WAC 82-28-030 Applicability of regulations. (1) Unless otherwise provided by law, these regulations shall be applicable in reimbursing the travel expenses of all state officers and employees.

(2) Where travel expenses are authorized by statute for other than state officers and employees, but the statute is silent as to amount, these regulations are applicable.

(3) Members of the senate or house of representatives, when on committee business, shall be entitled to receive allowances as provided in RCW 44.04.120 in lieu of per diem or travel expense as stipulated in these regulations.

[Statutory Authority: RCW 43.03.050 and 43.03.060. 83-24-047 (Order 83-60), § 82-28-030, filed 12/2/83; Order 8, § 82-28-030, filed 6/16/70.]

WAC 82-28-040 Basis for reimbursement. (1) Reimbursement for subsistence and lodging expenses incurred on official business shall be either on an actual expense basis, or on a per diem basis in lieu of actual subsistence and lodging as determined by the agency head or authorized designee. However, total reimbursement shall not exceed the per diem allowance specified herein. Reimbursement shall be for all authorized travel, subject to the restrictions provided herein, but shall not be for expenses incurred at the official station or official residence of the traveler.

(a) The official station is the city, town or other location where the employee's office is located or the city, town or location where the employee's work is performed on a permanent basis. An employee's official station shall be designated by the agency. It shall be determined by the needs of the agency and not assigned because it is the home or preferred living area of an employee.

(b) The official residence is the location where an employee maintains a residence which is used as a domicile by such employee or family.

(c) If an employee's official residence is not located within the limits of the official station, travel expense when authorized is allowed from the official station or official residence, whichever is less.

(2) Agencies shall not use the method of actual reimbursement or per diem reimbursement to treat any employees differently under like travel circumstances. In addition, employees shall be notified prior to commencement of the travel on official business as to their basis of reimbursement.

(3) Reimbursement shall be allowed only where the number of travel hours of an employee, BEFORE and/OR AFTER the employee's REGULARLY SCHEDULED WORKING HOURS of any one day total three or more.

(4) The agency head or authorized designee may authorize reimbursement for the actual cost of luncheon or dinner meals for inter-agency meetings, or intra-agency meetings for agencies with multiple work stations throughout the state, when such meetings ARE AWAY FROM THE OFFICIAL STATION OR RESIDENCE, without regard to the travel hours.

(a) Such reimbursement may only be made for the following:

(i) Where the meals are scheduled as an integral part of an official proceeding or program related to the state's business and the employee's responsibility, or

(ii) Where, in the course and scope of official business while on travel status, it is necessary for the employee to incur the cost of a meal with one or more individuals with whom business is being conducted, other than state employees.

(b) In such cases the actual reasonable cost of the employee's own meal may be reimbursed, if it is expressly approved in writing by the agency head or authorized designee. The required approval may be endorsed either on a travel authorization form or on the employee's travel expense voucher. A justification supporting the authorization including the name of the organization or persons attending the meeting and its purpose or accomplishments must be included on the travel expense voucher under purpose of trip. If additional space is required for the justification, the back side of the voucher may be used.

(5) Per diem shall be computed on a daily basis, using 12:00 midnight as the beginning and end of each day.

(6) For attendance at seminars or professional meetings as opposed to directed or administrative travel, reimbursement may be at less than the maximum rates established herein: *Provided*, That in all instances reimbursement at a lower rate is acceptable to the employee.

[Statutory Authority: RCW 43.03.050 and 43.03.060. 83-24-047 (Order 83-60), § 82-28-040, filed 12/2/83; 79-04-010 (Order 41), § 82-28-040, filed 3/12/79, effective 4/15/79; Order 30, § 82-28-040, filed 6/1/76; Order 14, § 82-28-040, filed 7/27/71; Order 8, § 82-28-040, filed 6/16/70.]

WAC 82-28-050 Per diem allowance in lieu of actual expenses for subsistence and lodging. (1) When reimbursement for subsistence and lodging in a commercial facility (a public facility selling lodging accommodations to travelers) is authorized, a rate of \$50.00 per day shall be allowed for travel within the state of Washington and \$50.00 per day for travel outside the state of Washington except for those cities or areas in-state and out-of-state designated as high cost locations (see WAC 82-28-06001). When travel is for a period of less than 24 hours but involves lodging in a commercial facility, reimbursement will be at the rate of \$2.08 per hour for both in-state and out-of-state. The name of the commercial facility used must be shown on the travel expense voucher.

(2) When lodging expenses are not incurred either in in-state travel or in out-of-state travel, per diem that reflects reimbursement for subsistence costs only will be paid. The per diem will be \$2.00 per hour limited to a maximum of 10 hours in any 24 hour period.

(3) "When lodging expenses are not incurred in travel in the noncontinental U.S.A. and in foreign countries, as defined respectively in WAC 82-28-010 (9) and (10), the per diem rate will be fifty percent of the allowable maximum per diem rate. When lodging is furnished at nominal cost in travel in the noncontinental U.S.A. and

in foreign countries, the per diem rate will be fifty percent of the allowable maximum per diem rate plus the nominal cost of the lodging."

(4) When an employee uses a travel trailer or camper in lieu of commercial lodging facilities for the employee's convenience, the employee shall be reimbursed for the actual space rental cost as evidenced by a receipt. Reimbursement for subsistence costs will be at the rate established in WAC 82-28-050(2). Under no circumstances will reimbursement exceed the \$50.00 per day maximum established for both in-state and out-of-state travel.

(5) Exceptions to subsection (4) above may be made when in the opinion of the agency head or authorized designee suitable commercial lodging is not available, state lodging is not provided, and there is a benefit to the state for the employee to remain at the temporary work station rather than commute to suitable lodging.

With the concurrence of the employee, the agency head or authorized designee may authorize in such circumstances the use of a privately-owned travel trailer or camper, and reimburse the employee at the \$50.00 per day maximum established for both in-state and out-of-state travel. High cost location rates will not apply to reimbursement for use of trailers or campers.

(6) Per diem allowance shall not be authorized under any of the following conditions:

(a) When the employee will not incur expenses for lodging because it is furnished by a state agency either directly or through the payment of lodging costs included in registration or conference fees.

(b) When an employee will not incur expenses for meals because they will be furnished by a state agency.

(c) When it is evident that actual costs of subsistence and lodging will be significantly less than the per diem allowance.

(7) When per diem is not authorized, employees shall be reimbursed within the limits of these regulations for actual costs which have been incurred for subsistence and lodging.

(8) Where the cost of meals is included in the registration fee of a meeting, conference or convention, an appropriate deduction is to be made from the authorized per diem allowance. Agencies are to establish a standard deduction schedule for meal allowances based on a maximum equal to the current subsistence allowance reflected in WAC 82-28-050(2).

(9) Except as otherwise provided by law, those persons appointed to serve without compensation on any state board, commission or committee, if entitled to reimbursement of travel expenses, shall be reimbursed as follows:

(a) Those individuals who serve on any part-time board, commission, council, committee or other group of similar nature which is established by executive, legislative or judicial branch to participate in state government and whose function is primarily an advisory, coordinating or planning capacity, shall be paid travel expenses at the hourly rate of \$2.08 for both in-state or out-of-state travel respectively, for each hour spent in going to, attendance at the meeting and returning to home. Travel

reimbursement in designated high cost locations is to be at an hourly rate equal to 1/24 of the high cost maximum per diem rate for the specific locality. No lodging receipts are required.

(b) Those individuals who serve on any part-time board, commission, council, committee or other group of similar nature which has rule-making authority, performs quasijudicial functions, has responsibility for the administration or policy direction of a state agency or program, or performs regulatory or licensing functions with respect to a specific profession, occupation, business or industry, shall be paid \$50.00 per day for both in-state or out-of-state respectively, for each day or portion thereof spent in the conduct of the board, commission, council, etc., business. Travel reimbursement in designated high cost locations is to be at the high cost maximum per diem rate for the specific locality. No lodging receipts are required.

[Statutory Authority: RCW 43.03.050 and 43.03.060. 83-24-047 (Order 83-60), § 82-28-050, filed 12/2/83; 81-10-020 (Order 50), § 82-28-050, filed 4/28/81; 79-04-010 (Order 41), § 82-28-050, filed 3/12/79, effective 4/15/79; Order 37, § 82-28-050, filed 12/1/77, effective 1/1/78; Emergency Order 36, § 82-28-050, filed 10/1/77; Order 35, § 82-28-050, filed 9/1/77, effective 10/1/77; Order 30, § 82-28-050, filed 6/1/76; Order 18, § 82-28-050, filed 6/24/74; Order 15, § 82-28-050, filed 2/16/72; Order 14, § 82-28-050, filed 7/27/71; Order 8, § 82-28-050, filed 6/16/70.]

WAC 82-28-060 Reimbursable transportation expenses. Reimbursable transportation expenses include all necessary official travel on railroads, airlines, ships, buses, private motor vehicles and other usual means of conveyance. Transportation cost between home and official station is a personal obligation of the employee and is not reimbursable by the state.

[Statutory Authority: RCW 43.03.050 and 43.03.060. 83-24-047 (Order 83-60), § 82-28-060, filed 12/2/83; Order 10, § 82-28-060, filed 7/17/70, effective 8/17/70; Order 8, § 82-28-060, filed 6/16/70.]

WAC 82-28-06001 Special allowances for higher than usual subsistence and lodging cost locations. (1) The following locations are considered high cost locations and officials or employees may be reimbursed subsistence and lodging expenses as follows:

(a) High cost locations—Continental U.S.A. The actual cost of lodging as evidenced by a receipt, plus subsistence based on \$2.30 per hour limited to a maximum of 10 hours in any 24 hour period, total reimbursement for subsistence and lodging not to exceed the maximum reimbursement rate periodically established by the office of financial management for a particular city or area included in the locations defined in WAC 82-28-010(8): *Provided*, That such rate shall not exceed the rate set by the federal government for federal employees as currently published by the office of financial management.

(b) High cost locations—Noncontinental U.S.A. reimbursement for subsistence and lodging expense may be paid up to the maximum rate periodically established for a particular city or area included in the locations defined in WAC 82-28-010(9): *Provided*, That such rate shall not exceed the rate set by the federal government

for federal employees as currently published by the Department of Defense's Per Diem, Travel and Transportation Allowance Committee in the *Federal Register*. The hourly rate will be determined by dividing the reimbursement rate by 24.

(c) High cost locations—Foreign. Reimbursement for subsistence and lodging expenses may be paid up to the maximum rate periodically established for a particular city or area included in the locations defined in WAC 82-28-010(10): *Provided*, That such rate shall not exceed the rate set by the federal government for federal employees as currently published in the Department of State's Standardized Regulations (Government Civilians, Foreign Areas) entitled *Maximum Travel Per Diem Allowances for Foreign Areas*. The hourly rate will be determined by dividing the reimbursement rate by 24.

(2) In lieu of receiving reimbursement at the rate specified for the High cost locations—Continental U.S.A., employees may be reimbursed the per diem allowance specified in WAC 82-28-050(1) provided that this method of reimbursement is determined prior to the start of the trip and approved in writing by the agency head, or authorized designee.

[Statutory Authority: RCW 43.03.050 and 43.03.060. 83-24-047 (Order 83-60), § 82-28-06001, filed 12/2/83; 81-10-020 (Order 50), § 82-28-06001, filed 4/28/81; 79-04-010 (Order 41), § 82-28-06001, filed 3/12/79, effective 4/15/79; Order 37, § 82-28-060 (codified as WAC 82-28-06001), filed 12/1/77, effective 1/1/78; Emergency Order 36, § 82-28-060 (codified as WAC 82-28-06001), filed 10/1/77; Order 35, § 82-28-060 (codified as WAC 82-28-06001), filed 9/1/77, effective 10/1/77.]

WAC 82-28-070 Official transportation request (SF 6855). (1) The official transportation request form shall be used for travel by common carrier and shall be issued only upon approval of the agency head or authorized designee. This form shall be prepared in duplicate. The original shall be presented to the transportation company as the basis for billing the agency and the duplicate shall be forwarded to the agency's fiscal officer. The agency shall maintain an accountability record for each transportation request form.

(2) If there is an authorized change in itinerary to conduct official business, the employee may pay the added cost and claim reimbursement on the travel expense voucher.

(3) Refunds on transportation requests shall be made to the state agency and the agency shall treat such items as recoveries of expenditures.

[Statutory Authority: RCW 43.03.050 and 43.03.060. 83-24-047 (Order 83-60), § 82-28-070, filed 12/2/83; Order 14, § 82-28-070, filed 7/27/71; Order 10, § 82-28-070, filed 7/17/70, effective 8/17/70; Order 8, § 82-28-070, filed 6/16/70.]

WAC 82-28-080 Reimbursement for use of privately-owned motor vehicles. (1) Reimbursement shall be allowed at a rate not to exceed 20 1/2¢ per mile for official travel: *Provided*, That such rate shall not exceed the rate set by the federal government for federal employees as currently published by the office of financial management. Mileage between points in the state shall be determined on the basis of the distances shown on the

latest state transportation commission map, and the out-of-state mileage on the basis of standard highway mileage guides or by odometer readings. "Vicinity" miles as determined by odometer readings shall be shown on the voucher as a separate figure for each day's travel.

(2) When an official or employee requests to use a privately-owned motor vehicle in lieu of a state-owned or operated passenger motor vehicle that is available for use, and the request is approved by the agency head or authorized designee, the official or employee shall be reimbursed at a rate not to exceed 18¢ per mile pursuant to the provisions of WAC 82-28-190: *Provided*, That such rate shall not exceed the rate set by the federal government for federal employees as currently published by the office of financial management.

(3) Reimbursement shall be payable to only one of two or more employees traveling in the same motor vehicle on the same trip.

[Statutory Authority: RCW 43.03.050 and 43.03.060. 83-24-047 (Order 83-60), § 82-28-080, filed 12/2/83; 81-10-020 (Order 50), § 82-28-080, filed 4/28/81; 80-06-074 (Order 49), § 82-28-080, filed 5/22/80; 80-04-021 (Order 46), § 82-28-080, filed 3/14/80; 79-04-010 (Order 41), § 82-28-080, filed 3/12/79, effective 4/15/79; 78-06-027 (Order 39), § 82-28-080, filed 5/18/78, effective 7/1/78; Order 35, § 82-28-080, filed 9/1/77; Order 30, § 82-28-080, filed 6/1/76; Order 18, § 82-28-080, filed 6/24/74; Order 8, § 82-28-080, filed 6/16/70.]

WAC 82-28-090 Miscellaneous travel expenses. (1) Miscellaneous travel expenses essential to the transaction of official state business are reimbursable to the employee. Reimbursable expenses include, but are not limited to:

(a) Taxi fares, motor vehicle rentals, parking fees, and ferry and bridge tolls.

(b) Registration fees required in connection with attendance at conventions, conferences and official meetings.

(c) Rental of room in a hotel or other place which is used to transact official business. The room rental is reimbursable as a separate item when authorized by the agency head or authorized designee.

(d) Charges for necessary stenographic or typing services in connection with the preparation of reports and/or correspondence, when authorized by the agency head or authorized designee.

(2) Whenever possible, motor vehicle rentals, registration fees, rental of rooms for official business, and other miscellaneous travel expenses in excess of \$10.00 are not to be paid for by the employee. The vendor of the services should be requested to bill the agency in accordance with prescribed purchasing requirements.

(3) Certain travel expenses are considered as personal and not essential to the transaction of official state business. Such nonreimbursable expenses include, but are not limited to:

(a) Laundry, valet service and entertainment expenses, radio or television rental, tips and gratuities, and other items of a similar nature.

(b) Taxi fares, motor vehicle rental and other transportation costs to places of entertainment and other similar facilities. In addition, transportation expenses

between an employee's official residence and official station are not allowable.

(c) Costs of personal "trip insurance," and medical and hospital services.

(d) Personal telephone calls to the home of an employee, except where a brief call is made to advise the employee's family of a change in travel plans.

[Statutory Authority: RCW 43.03.050 and 43.03.060. 83-24-047 (Order 83-60), § 82-28-090, filed 12/2/83; Order 8, § 82-28-090, filed 6/16/70.]

WAC 82-28-100 Leave of absence during travel. (1) When leave of absence of any kind is taken while in a travel status, the exact hour of departure and return to the field duty station must be shown on the travel expense voucher, and except as provided in the following paragraph, per diem shall not be granted for such period nor shall expenses be allowed for transportation to and from the post of duty in such case.

(2) Whenever a traveler takes leave of absence of any kind because of being incapacitated due to illness or injury, not due to the employee's own misconduct, the authorized reimbursement for subsistence and lodging may be continued during the leave period, but not to exceed in total the cost authorized for private motor vehicle mileage or common carrier in returning the employee to the official station or residence, whichever is closer, and then back to the assignment.

[Statutory Authority: RCW 43.03.050 and 43.03.060. 83-24-047 (Order 83-60), § 82-28-100, filed 12/2/83; Order 8, § 82-28-100, filed 6/16/70.]

WAC 82-28-110 Travel for convenience of employee. (1) If an employee elects to return to the official station or residence after the close of a regularly scheduled working day, the maximum reimbursement shall be the lesser of either:

(a) The travel expense incurred in returning to the official station or residence, or

(b) The amount which would have been allowable had the employee remained at the temporary duty station.

(2) If an employee elects to return to the employee's base, as set forth above, the employee shall return to the temporary duty station in time to observe the regularly scheduled working hours.

(3) No reimbursement for lodging or subsistence shall be paid to an employee for extra field time incurred in traveling to a destination for the employee's own convenience in advance of the necessary time for arrival, nor shall the employee be paid for extra field time incurred in remaining at the destination following an official meeting or other work assignment whenever it is for the employee's own convenience.

[Statutory Authority: RCW 43.03.050 and 43.03.060. 83-24-047 (Order 83-60), § 82-28-110, filed 12/2/83; Order 14, § 82-28-110, filed 7/27/71; Order 8, § 82-28-110, filed 6/16/70.]

WAC 82-28-120 Submission of travel expense vouchers. (1) All travel expense vouchers must be completed in accordance with the instructions contained herein, and in the detail required on the travel expense voucher.

(2) The purpose or accomplishments of the trip are to be indicated in sufficient detail in the "purpose of trip" column of the travel expense voucher to document that the travel was essential to carry out the necessary work of the agency.

(3) Travel expense vouchers should be submitted to the agency's fiscal office no later than the 10th of the month following the close of each calendar month. However, agencies may elect to accept one expense voucher for the first 15 days of a month and another for the remainder of the month when the amounts involved are substantial. When a travel advance has been issued, any unexpended portion of the advance must be returned to the agency immediately at the end of the authorized travel period and the expense voucher prepared and submitted at the same time. The vouchers are to be prepared in ink, indelible pencil or by typewriter, and signed in ink or indelible pencil.

(4) Payment of expense vouchers by the agency's fiscal office should be made no later than 10 days after receipt of the properly completed travel expense voucher.

[Statutory Authority: RCW 43.03.050 and 43.03.060. 83-24-047 (Order 83-60), § 82-28-120, filed 12/2/83; Order 8, § 82-28-120, filed 6/16/70.]

WAC 82-28-130 Receipts and information required in support of travel expense vouchers. (1) Reimbursement for the actual cost of lodging, or for lodging in designated High cost locations—Continental U.S.A. must be supported by a valid receipt from a commercial facility.

(2) Receipts for allowable expenditures for amounts in excess of \$5.00, plus any applicable tax, shall be required for sundry expenses and attached to the voucher, except for:

- (a) Day parking fees;
- (b) Transit fares, ferry fares, bridge and road tolls, and taxi and limousine fares when necessary and on official business;
- (c) Telephone calls where it is necessary to use a coinbox telephone or where the telephone call cannot be charged to the employee's office telephone extension.

(3) Exact time of departure and return shall be shown on the expense voucher and shall be designated as a.m. or p.m.

(4) When a state motor vehicle is used, the license plate number is to be indicated on the expense voucher.

(5) When two or more employees are traveling together in one motor vehicle, each must indicate this fact, naming on the expense voucher the persons accompanying the employee and the travel destination of each.

(6) When a privately-owned motor vehicle is used and reimbursement is requested, the expense voucher shall show approval or authorization for its use.

(7) The expense voucher shall not include expenses for supplies exceeding \$5.00 plus applicable tax. Such items must be purchased in accordance with requirements prescribed for regular purchases.

(8) When reimbursement for the use of a privately-owned motor vehicle is made at the higher rate specified

in WAC 82-28-080(1), documentation as to the non-availability of a state motor vehicle is to accompany the travel voucher.

[Statutory Authority: RCW 43.03.050 and 43.03.060. 83-24-047 (Order 83-60), § 82-28-130, filed 12/2/83; 79-04-010 (Order 41), § 82-28-130, filed 3/12/79, effective 4/15/79; Order 15, § 82-28-130, filed 2/16/72; Order 14, § 82-28-130, filed 7/27/71; Order 8, § 82-28-130, filed 6/16/70.]

WAC 82-28-135 Direct payment to vendors supplying subsistence or lodging. (1) Approval of the agency head or authorized designee must be obtained prior to authorizing direct billing to the agency and direct payment by an individual of the agency responsible for payment of the travel allowances.

(2) Any payments made in accordance with this section will, at a minimum, be supported by documentation consisting of:

(a) A list of officers and employees for whom such lodging or subsistence is furnished with the following data:

- (i) Name of employee
- (ii) Organization
- (iii) Official station and official residence
- (b) An invoice from the vendor detailing the number of meals served and the price per meal.

(c) The details of the lodging payment are to include the following information:

- (i) Date(s) of occupancy
- (ii) Room number
- (iii) Single room rate
- (iv) Names of persons occupying the room

(3) Payments to vendors for subsistence and/or lodging expenses of individuals in travel status shall not result in a cost to the state in excess of what would be payable by way of reimbursement to the individuals involved.

(4) Agencies are required to institute procedures which will ensure that any payments made under this section are reasonable, accurate, and necessary for the conduct of the agency's business.

[Statutory Authority: RCW 43.03.050 and 43.03.060. 83-24-047 (Order 83-60), § 82-28-135, filed 12/2/83; Order 35, § 82-28-135, filed 9/1/77.]

WAC 82-28-140 Purpose of travel expense advances. Whenever it becomes necessary for an official or employee of the state to travel and incur reimbursable expenses, an agency may make a travel expense advance to such officer or employee. The purpose of the advance is to defray the officer or employee's anticipated reimbursable expenses other than personal motor vehicle expenses while traveling on state business away from the official station or residence. The advance shall cover a period not to exceed 90 days. Agencies are to establish written policies prescribing a reasonable amount for which such warrants may be written.

[Statutory Authority: RCW 43.03.050 and 43.03.060. 83-24-047 (Order 83-60), § 82-28-140, filed 12/2/83; Order 8, § 82-28-140, filed 6/16/70.]

WAC 82-28-150 How to obtain travel expense advances. The employee is to submit a travel authorization to the supervisor. Upon approval of the proposed travel, the supervisor will forward the travel authorization to the agency head or authorized designee. Upon approval of the advance, the agency's fiscal office will process the document for payment of the advance and present the employee with a warrant.

[Statutory Authority: RCW 43.03.050 and 43.03.060. 83-24-047 (Order 83-60), § 82-28-150, filed 12/2/83; Order 8, § 82-28-150, filed 6/16/70.]

WAC 82-28-160 Subsequent accounting for travel advances. (1) Any unexpended portion of the travel advance shall be returned to the agency at the close of the authorized travel period. The authorized travel period is that period of time when the employee is in authorized travel status away from the official station. Payment is to accompany an itemized travel expense voucher and payment is to be made by check payable to the agency. The travel expense voucher will list all legally reimbursable expenses.

(2) If the travel advance is less than or equal to the travel expenses incurred, the officer or employee is to submit on or before the tenth day following the month in which the authorized travel period ended, a fully itemized travel expense voucher justifying the expenditure of such advance for legally reimbursable expenses. The voucher is to indicate a net amount, if any, due the employee. The agency is to process the voucher in the manner prescribed for other payments and the agency is to reimburse the employee for the additional amount due. The expense voucher will be filed by the agency with the payment copy of the travel advance.

[Statutory Authority: RCW 43.03.050 and 43.03.060. 83-24-047 (Order 83-60), § 82-28-160, filed 12/2/83; Order 8, § 82-28-160, filed 6/16/70.]

WAC 82-28-170 Default by employee. (1) Any default in accounting for or repaying an advance is to cause the full amount which is unpaid to become immediately due and payable with interest of ten percent per annum from date of default until paid.

(2) In order to protect the state from any losses on account of travel advances made, the state has a prior lien against and shall withhold any and all amounts payable or to become payable by the state to such officer or employee up to the amount of such travel advance and interest at a rate of ten percent per annum, until such time as repayment or justification has been made.

[Statutory Authority: RCW 43.03.050 and 43.03.060. 83-24-047 (Order 83-60), § 82-28-170, filed 12/2/83; Order 8, § 82-28-170, filed 6/16/70.]

WAC 82-28-180 Limitation of use of travel expense advance monies. A travel advance is to be expended by the officer or employee to specifically defray necessary reimbursable costs while performing official duties. No travel advance shall be considered for any purpose as a loan to an officer or employee, and any unauthorized disbursement of a travel advance shall be considered a

misappropriation of state monies by the officer or employee.

[Statutory Authority: RCW 43.03.050 and 43.03.060. 83-24-047 (Order 83-60), § 82-28-180, filed 12/2/83; Order 8, § 82-28-180, filed 6/16/70.]

WAC 82-28-190 Use of privately-owned motor vehicle. (1) The use of a privately-owned motor vehicle in the conduct of official state business may be authorized by the agency head or authorized designee for any one of the following reasons:

(a) A state-owned or operated passenger motor vehicle is not available.

(b) It is found to be more advantageous and economical to the state that an employee travel by a privately-owned motor vehicle rather than a common carrier or a state-owned or operated passenger motor vehicle as determined by use of cost-comparison data provided by the department of general administration.

(2) Normally, the use of a privately-owned motor vehicle shall be based upon the agency work requirements and not the personal preference or convenience of an employee. However, when an employee requests to use a privately-owned motor vehicle in lieu of a state-owned or operated passenger motor vehicle that is available for use, and the request is approved by the agency head or authorized designee, the employee shall be reimbursed at a rate which will be promulgated periodically by the office of financial management in WAC 82-28-080(2): *Provided*, That such rate shall not exceed the rate set by the federal government for federal employees as currently published by the office of financial management.

(3) The driver of a privately-owned motor vehicle authorized for use in the conduct of official state business must possess a valid driver's license.

(4) Traffic accidents are to be reported by the operator within 24 hours to the agency head or authorized designee and the proper law enforcement agency as required by law.

[Statutory Authority: RCW 43.03.050 and 43.03.060. 83-24-047 (Order 83-60), § 82-28-190, filed 12/2/83; 79-04-010 (Order 41), § 82-28-190, filed 3/12/79, effective 4/15/79; Order 30, § 82-28-190, filed 6/1/76; Order 8, § 82-28-190, filed 6/16/70.]

WAC 82-28-200 Use of state motor vehicles--General requirements. (1) The use of a state-owned or operated passenger motor vehicle shall be authorized by the agency head or authorized designee.

(2) Except as otherwise provided by law or by regulations of the office of financial management, state-owned, leased, or rented passenger motor vehicles shall be used only on official state business.

(3) The operator shall be responsible for maintaining good appearance of the passenger motor vehicle.

(4) The operator is to adhere to careful driving practices, and observe traffic laws and regulations at all times.

(5) Purchase of gas, oil and other items under a state credit card or emergency repairs to vehicles are to be made in accordance with applicable motor pool and/or department of general administration regulations.

(6) Accident report blanks, trip log and insurance information are to be kept in the glove compartment of the passenger motor vehicle for employee use.

(7) Operators must have a valid driver's license in their possession while operating a state passenger motor vehicle.

[Statutory Authority: RCW 43.03.050 and 43.03.060. 83-24-047 (Order 83-60), § 82-28-200, filed 12/2/83; Order 30, § 82-28-200, filed 6/1/76; Order 8, § 82-28-200, filed 6/16/70.]

WAC 82-28-210 Passenger motor vehicle accident reports. (1) Traffic accidents must be reported by the operator within 24-hours to the agency head or authorized designee and the proper law enforcement agency. All traffic accidents, regardless of how slight, must be reported in writing as required by the state's insurance carrier, state motor pool and the agency as applicable. Those accidents which involve personal injuries must be reported by telephone and followed up with a written report, both to the agency and insurance company.

(2) Where the employee-driver is presumed not at fault, the owning agency is to file its claim for damages with the insurance company of the other operator. Estimates of the cost of repairs are to be obtained as required and the insurance company advised of the cost.

(3) Each agency shall provide the governor's office with the collision frequency report on the established due dates.

[Statutory Authority: RCW 43.03.050 and 43.03.060. 83-24-047 (Order 83-60), § 82-28-210, filed 12/2/83; Order 30, § 82-28-210, filed 6/1/76; Order 8, § 82-28-210, filed 6/16/70.]

WAC 82-28-220 Use of rental motor vehicles. (1) A rental motor vehicle may be used for official business under the following conditions:

(a) A state-owned motor vehicle is not available;

(b) The use of the rental motor vehicle is advantageous to the state, more economical than other conveyance, and necessary state business cannot be accomplished otherwise (e.g., mail, telephone);

(c) The rental motor vehicle is charged to the agency on a credit basis;

(d) Use has been approved in advance by agency head or authorized designee through issuance of transportation request or credit card;

(e) Credit cards, if used, will be issued by agency head or authorized designee on a trip basis, rather than on permanent assignment;

(f) The rental motor vehicle is obtained from a firm approved by the division of purchasing in those places where such firm offers the service;

(g) The day and purpose of the trip are shown on the travel expense voucher together with the transportation request or credit card number.

(2) Since the use of rental motor vehicles makes it difficult to segregate charges between official and personal use, the agency head or authorized designee is to take appropriate internal precautions to guard against abuse.

(3) Operators are to have a valid driver's license in their possession while operating a rental motor vehicle.

(4) Traffic accidents are to be reported by the operator within 24 hours to the agency head or authorized designee and the proper law enforcement agency as required by law.

[Statutory Authority: RCW 43.03.050 and 43.03.060. 83-24-047 (Order 83-60), § 82-28-220, filed 12/2/83; Order 8, § 82-28-220, filed 6/16/70.]

WAC 82-28-230 Prospective employee interview expenses. (1) Statement of policy. RCW 43.03.130 provides in part that any state agency may pay a prospective employee the necessary travel expense in connection with interviewing or examining the prospective employee. It is the responsibility of the agency head to determine that prudent judgment is exercised in the payment of interview expenses.

(2) Prospective employees defined. Prospective employees are limited to applicants for the position of director, deputy director, assistant director, state supervisor or equivalent or higher position, engineers or other personnel having both executive and professional status. In the case of institutions of higher education, prospective employees are limited to applicants being considered for academic positions above the rank of instructor and professional or administrative employees in supervisory positions.

(3) Travel expenses defined.

(a) Travel expenses are defined as necessary expenses, reimbursable by law to a state employee, which have been incurred by a prospective employee in traveling to and from a designated place for an interview or merit system examination. Travel expenses authorized for this purpose shall be payable at rates prescribed by law for state employees within the standards established by these regulations.

(b) For subsistence and lodging, reimbursement shall be on the same basis as for state employees.

(c) Reimbursement for travel shall be limited to the time required to travel by the most expeditious means.

(d) Transportation expenses shall be authorized in an amount not to exceed the tourist round trip air fare.

(e) Other reimbursable expenses may include necessary costs incurred in travel by taxicab, bus, rental vehicle or other conveyance from and to the common carrier terminal or place of abode of the prospective employee, as required for the interview or examination.

(4) Mode of payment.

(a) The agency is to reimburse the prospective employee for travel expenses incurred after the prospective employee submits an itemization of such expenses on an invoice voucher (Form A19) in the same detail as required for travel reimbursement to state employees.

(b) When an applicant is called to be interviewed by or on behalf of more than one agency, the travel expenses may be paid directly by the state department of personnel or other corresponding personnel agencies, subject to reimbursement by the interviewing agencies on a pro rata basis.

(5) Prior authorization required. If the prospective employee is applying for a classified position, the interviewing agency is to secure prior authorization of the

state department of personnel or other corresponding personnel agency before offering to pay said prospective employee's travel expenses.

[Statutory Authority: RCW 43.03.050 and 43.03.060, 83-24-047 (Order 83-60), § 82-28-230, filed 12/2/83; 79-04-010 (Order 41), § 82-28-230, filed 3/12/79, effective 4/15/79; Order 37, § 82-28-230, filed 12/1/77, effective 1/1/78; Emergency Order 36, § 82-28-230, filed 10/1/77; Order 35, § 82-28-230, filed 9/1/77, effective 10/1/77; Order 18, § 82-28-230, filed 6/24/74; Order 14, § 82-28-230, filed 7/27/71; Order 8, § 82-28-230, filed 6/16/70.]

Chapter 82-32 WAC

INVESTMENT OF RETAINED PERCENTAGES ON STATE CONTRACTS FOR PUBLIC WORKS

WAC

82-32-010	Contractor's option regarding retained percentages.
82-32-020	Change of election under options.
82-32-030	Selection of escrow agent.
82-32-040	Escrow agreement.
82-32-050	Escrow costs and fees.
82-32-060	Escrow investments.
82-32-070	Selection of an interest bearing account.
82-32-080	Withdrawal of interest bearing account.
82-32-090	Distribution of interest.

WAC 82-32-010 Contractor's option regarding retained percentages. On all contracts for public improvements or work for which retained percentages are required to be reserved under the provisions of RCW 60.28.010, state agencies shall require the contractor to exercise his option in writing on whether or not monies reserved from amounts due the contractor shall be retained by the public body, deposited by the public body in an interest bearing account in a bank, mutual savings bank, or savings and loan association, or placed in escrow by the public body. State agencies shall prescribe a procedure for informing the contractor of the options available and the method for exercising the option selected. Said option must be exercised prior to or at time of submission of invoices for the first progress payment to be made under the contract. No progress payment shall be made until the contractor has exercised his option in writing.

[Order 33, § 82-32-010, filed 7/19/76; Order 12, § 82-32-010, filed 10/28/70.]

WAC 82-32-020 Change of election under options. If, during the course of work under a contract for public improvements or work for which amounts are required to be reserved under RCW 60.28.010, the contract completion date is changed, and said change will work an undue hardship upon the contractor when compared to the increased costs to the state agency if a change in election is allowed, said agency may, in its discretion, allow the contractor to change his election under the available options.

[Order 33, § 82-32-020, filed 7/19/76; Order 12, § 82-32-020, filed 10/28/70.]

WAC 82-32-030 Selection of escrow agent. When an election is made to place amounts reserved under

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chapter 38, Laws of 1970 1st ex. sess. (RCW 60.28.010), in escrow, the contractor and the agency shall select a bank or trust company, agreeable to both, to act as an escrow agent.

[Order 12, § 82-32-030, filed 10/28/70.]

WAC 82-32-040 Escrow agreement. When an election is made to place amounts reserved under chapter 38, Laws of 1970 1st ex. sess. (RCW 60.28.010), in escrow, the state agency jointly with the contractor and the escrow agent shall execute an escrow agreement according to Form A-39, Budget and Accounting Manual, or some other form approved by the attorney general's office. A copy of the completed escrow agreement shall be provided to the escrow agent, the contractor and the state agency prior to the time the first progress payment is made.

[Order 12, § 82-32-040, filed 10/28/70.]

WAC 82-32-050 Escrow costs and fees. The escrow agreement executed pursuant to chapter 38, Laws of 1970 1st ex. sess. (RCW 60.28.010), in addition to other requirements, must provide for payment of all escrow costs and fees by the contractor.

[Order 12, § 82-32-050, filed 10/28/70.]

WAC 82-32-060 Escrow investments. The escrow agent holding funds pursuant to chapter 38, Laws of 1970 1st ex. sess. (RCW 60.28.010), shall invest such funds in bonds and securities selected by the contractor and approved by the state agency. In approving investments, the state agency shall consider the probable safety of the investments, and their liquidity. The agency may approve investments in the following bonds and securities:

- (1) Bills, certificates, notes or bonds of the United States;
- (2) Other obligations of the United States or its agencies;
- (3) Obligations of any corporation wholly-owned by the government of the United States;
- (4) Indebtedness of the Federal National Mortgage Association; and
- (5) Time deposits in commercial banks, mutual savings banks or savings and loan associations.

Other bonds or securities may be approved by the agency providing that it has the staff assistance and expertise which will permit it to exercise sound judgment in assessing the probable safety and liquidity of such investments. In no event shall the state agency approve of investments in stock of any company, association or corporation. In all cases, including those enumerated above, the investments selected must mature on or prior to the date set for completion of the contract, including extensions thereof or thirty days following the final acceptance of said improvement or work as completed.

[Order 12, § 82-32-060, filed 10/28/70.]

WAC 82-32-070 Selection of an interest bearing account. When an election is made to deposit amounts

reserved under RCW 60.28.010, in an interest bearing account in a bank, mutual savings bank, or savings and loan association, the contractor and the agency shall select an institution agreeable to both. Any bank selected must be a qualified public depository under RCW 39.58.010. Deposits in mutual savings banks are subject to RCW 32.12.100 and deposits in savings and loan associations to RCW 33.52.010.

[Order 33, § 82-32-070, filed 7/19/76.]

WAC 82-32-080 Withdrawal of interest bearing account. Deposits made pursuant to WAC 82-32-070 shall be in the name of the agency and cannot be withdrawn without the agency's written authorization. The amounts deposited shall not be subject to withdrawal until after final acceptance of said improvement or work as completed, or until agreed to by both parties. In no case shall the agency allow withdrawal unless the conditions of RCW 60.28.020 are met.

[Order 33, § 82-32-080, filed 7/19/76.]

WAC 82-32-090 Distribution of interest. Interest earned on deposits made pursuant to WAC 82-32-070 shall be paid to the contractor as said interest becomes payable under the terms of the deposit. The agency shall notify the institution to withhold all further payments of interest in the event claims are filed against the contractor. After such notice all unpaid interest shall be subject to the conditions of RCW 60.08.020. The account shall be appropriately noted by the bank, savings bank or savings and loan association to enable that institution to report interest payments made to the contractor to the Internal Revenue Service in the proper format.

[Order 33, § 82-32-090, filed 7/19/76.]

Chapter 82-36 WAC

UTILIZATION OF PASSENGER MOTOR VEHICLES

WAC	
82-36-010	Purpose.
82-36-020	Intent.
82-36-030	Definitions.
82-36-033	Management.
82-36-035	Acquisition of passenger motor vehicles.
82-36-040	Criteria for permanently assigned vehicle.
82-36-050	Criteria for use of state-owned or operated passenger motor vehicles between duty station and official residence.
82-36-060	Travel and passenger vehicle operating records and reports.
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82-36-090	Passenger motor vehicle accident reports.
82-36-120	Noncompliance.
82-36-130	Conservation.
82-36-140	Maintenance and repair.
82-36-150	Disposal of passenger motor vehicles.

[Title 82 WAC—p 18]

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

82-36-100	Use of commercial rental cars. [Order 23, § 82-36-100, filed 6/2/75.] Repealed by Order 28, filed 12/30/75.
82-36-110	Confidential license plates. [Order 23, § 82-36-110, filed 6/2/75.] Repealed by Order 28, filed 12/30/75.

WAC 82-36-010 Purpose. The purpose of these rules is to establish policies governing the acquisition, management, operation, maintenance, repair and disposal of all state-owned or operated passenger motor vehicles in accordance with chapter 167, Laws of 1975 1st ex. sess.

[Order 27, § 82-36-010, filed 11/20/75; Order 23, § 82-36-010, filed 6/2/75.]

WAC 82-36-020 Intent. State-owned, leased or rented passenger motor vehicles shall be used only for official state business of state agencies.

[Order 27, § 82-36-020, filed 11/20/75; Order 23, § 82-36-020, filed 6/2/75.]

WAC 82-36-030 Definitions. As used in these rules and regulations, the following definitions will apply:

(1) Director. Means the director, office of financial management (OFM).

(2) Agency head. Means the head of any state agency.

(3) Passenger motor vehicle. Means any sedan, station wagon, bus or light truck which is designed for carrying ten passengers or less and is used primarily for the transportation of persons.

(4) Official state business. Those activities performed by an official or employee of the state authorized volunteer, contractor, work experience program participant, student or employee of another governmental jurisdiction as directed by his or her supervisor in order to accomplish state programs or as required by the duties of his or her position or office.

(5) Commuter ride-sharing vehicle. Agencies may allow for the use of state-owned motor vehicles for commuter ride-sharing so long as the entire capital depreciation and operational expense of the commuter ride-sharing arrangement is paid by the commuters, and does not infringe upon the use of the vehicle for other official state business.

(6) Permanently assigned vehicle. A passenger motor vehicle which has been assigned to a state agency or an individual for a period greater than 30 days.

(7) Temporarily assigned vehicle. A passenger motor vehicle which has been assigned to a state agency for a period of 30 days or less.

(8) State agency. Shall include any state office, agency, commission, department or institution financed in whole or in part from funds appropriated by the legislature. It shall also include the state printer, but shall not include:

(a) The state supreme court or any agency of the judicial branch, or

(b) The legislature or any of its statutory, standing, special or interim committees.

(9) **Commuting.** Means travel by a state officer or employee to or from his or her official residence or other domicile to or from his or her official duty station or other place of work.

(10) **"Commuter ride-sharing"** means a car pool or van pool arrangement whereby a fixed group not exceeding fifteen persons including passengers and driver, is transported between their places of abode or termini near such places, and their places of employment or educational or other institutions, in a single daily round trip where the driver is also on the way to or from his or her place of employment or educational or other institution.

(11) **NADA value.** Means the average trade-in value shown in the current issue of the NADA Official Used Car Guide, Pacific Northwest edition, published by the National Automobile Dealers Used Car Guide Co.

(12) **Agency transportation officer.** The senior staff employee designated by the agency director as agency transportation officer in accordance with the governor's executive order EO 74-07.

[Statutory Authority: RCW 43.41.130, 83-03-003 (Order 56), § 82-36-030, filed 1/7/83; 80-02-162 (Order 45), § 82-36-030, filed 2/6/80; Order 27, § 82-36-030, filed 11/20/75; Order 23, § 82-36-030, filed 6/2/75.]

WAC 82-36-033 Management. Every state agency having jurisdiction and control of state-owned or operated passenger motor vehicles shall establish policies and procedures designed to operate these vehicles at the lowest effective cost per mile for the life of the vehicle and shall continuously review staffing assignments and field operations with the objective of minimizing travel.

[Order 28, § 82-36-033, filed 12/30/75.]

WAC 82-36-035 Acquisition of passenger motor vehicles. The following criteria shall be applied in the purchase, lease or rental of passenger motor vehicles:

(1) **Purchase of passenger motor vehicles.** The state purchasing advisory committee, pursuant to RCW 43.19.1904, shall determine specifications for the most efficient and cost effective passenger vehicles that are available, as the standard passenger motor vehicles, and alternate types of vehicles and accessory equipment that may be purchased by the state. Requests for accessory equipment or alternate types of vehicles must be justified to satisfy a special need and approved for special purchase by the requesting agency head or his designee. At the beginning of each new model year, the division of purchasing shall obtain a contract from which new passenger motor vehicles may be purchased based on the above specifications.

(2) **Purchase procedure of passenger motor vehicles.** Any state agency desiring to purchase a passenger motor vehicle shall submit a purchase requisition to the department of general administration. The department of general administration shall review vehicle availability from state resources and advise the requesting agency of vehicles that could meet its requirement. If a vehicle, satisfactory to the agency, is not available, a purchase

requisition will be processed by the department of general administration at the contract price. If the vehicle provided is not new, the vehicle purchase price will be established by the NADA value.

(3) **Request to lease passenger motor vehicles.** Any state agency desiring to lease a passenger motor vehicle for 30 days or more shall submit a request with complete justification and approved by the agency head or his designee to the department of general administration to determine if the requirement can be satisfied from state motor pool vehicles. If the motor transport division cannot provide the required vehicle, the request shall be approved for processing by the division of purchasing. Requests for vehicles other than standard vehicles described in purchase specifications must be justified in writing to the department of general administration.

(4) **Requests to rent passenger motor vehicles.** The rental of a passenger motor vehicle for less than 30 days shall be negotiated between the requesting agency and one of the rental agencies with whom the state has an existing contract. The rental of a passenger motor vehicle must be charged to the user agency on a credit basis and use thereof must be approved in advance by the agency head or his designee through issuance of a transportation request or credit card. Credit cards will be issued by the agency head or his designee(s) on a trip basis, rather than on a permanent basis. The department of general administration shall provide information relative to existing contracts to all state agencies. Rental of vehicles other than standard vehicles described in the contracts must be justified in writing. A commercial rental vehicle may be obtained for official state business provided:

(a) A state-owned or operated passenger motor vehicle is not available, or

(b) The use of the rental passenger motor vehicle is advantageous to the state, more economical than other conveyance, or necessary state business cannot be accomplished by other means, such as mail or telephone.

[Order 27, § 82-36-035, filed 11/20/75.]

WAC 82-36-040 Criteria for permanently assigned vehicle. At least one of the following conditions shall exist prior to each assignment of a passenger motor vehicle on a permanent status:

(1) Travel requirements are demonstrated to average or are reasonably estimated to average not less than 1,000 miles per month. This travel shall not include any travel by the assignee between home and duty station. Those permanently assigned passenger motor vehicles that do not maintain this mileage minimum over a three-month period will be returned to the supporting motor pool.

(2) Individuals requiring the vehicle are on 24-hour call and all of the following conditions exist:

(a) A state-owned or operated passenger motor vehicle is not available on a 24-hour trip dispatch basis.

(b) It is not practical to provide for such transportation by the use of other agency vehicles.

(c) The frequency of such travel on call is greater than would justify requiring the person to use his own

personal vehicle. Frequency of calls established under this paragraph shall be submitted by each agency to OPP&FM.

(3) A need exists for a specially equipped or special purpose passenger motor vehicle which limits the use or which is essential to a particular agency, program, individual or purpose.

(4) The passenger motor vehicle is used by a statewide elected official in the executive branch of state government.

The permanent assignment of a passenger motor vehicle for any purpose other than those listed above will be done only after justification for such assignment has been approved by OPP&FM. The permanent assignment of a vehicle to an employee for use on official state business is not in itself sufficient justification to utilize that vehicle for travel between duty station and home.

[Order 28, § 82-36-040, filed 12/30/75; Order 27, § 82-36-040, filed 11/20/75; Order 23, § 82-36-040, filed 6/2/75.]

WAC 82-36-050 Criteria for use of state-owned or operated passenger motor vehicles between duty station and official residence. (1) Travel between duty station and official residence may be approved by a state agency head or his designee for any one of the following reasons:

(a) When storing the vehicle at an employee's residence is more advantageous and economical to the state than the purchase, lease or rental of commercial garage or other parking facility. The security and safety of state property shall be considered in determining the storage location of state-owned or operated vehicles.

(b) When an employee's home is also his official duty station.

(c) When an individual commences a trip prior to the opening time of a motor pool or when the individual returns from or completes a trip later than the closing time of the state or agency motor pool.

(d) When, because of darkness or late hour or lonely location or in any area where there is a record of crime or threat to personal security, or where there is any reasonable basis for fear or uneasiness of personal safety in returning a passenger motor vehicle to a pool or to its customary storage area.

(e) When it is economical and advantageous to the state of Washington to allow such incidental travel in a state owned or operated passenger motor vehicle.

(2) The following situations of travel between duty station and official residence are in the best interests of the state and are exempt from the provisions of subparts (1) above:

(a) Use of passenger motor vehicles by statewide elected officials in the executive branch of state government.

(b) Use by commissioned Washington state patrol personnel who regularly enforce traffic regulations on the public highways and other state employees whose primary assignment is to provide law enforcement.

(c) Use by other law enforcement or investigative employees or emergency highway maintenance employees who are on 24-hour call and whose duties require use of

assigned passenger motor vehicles during what would be classified as other than scheduled working hours, provided that actual off-duty calls requiring use of the passenger motor vehicle average a minimum of ten times per month per calendar quarter.

(3) Requests for exceptions to the above criteria shall be submitted to OPP&FM, with justification for each such exception.

[Order 28, § 82-36-050, filed 12/30/75; Order 23, § 82-36-050, filed 6/2/75.]

WAC 82-36-060 Travel and passenger vehicle operating records and reports. (1) Each state agency shall maintain comprehensive records of employee travel and vehicle usage. Records will include the following:

(a) Amount of private car mileage for which agency's employees were reimbursed including dollar amount and number of miles.

(b) Cost records relating to the operation, maintenance and management of agency-owned or leased passenger motor vehicles. These records may be maintained on a fleet basis and shall include all costs thereto, including, but not limited to, depreciation, overhead costs, gas, oil, lubrication, service, antifreeze, tires, tubes, chains, batteries, repairs, insurance, storage, etc. Records on leased vehicles shall be maintained and reported separately.

(2) The above data shall be available upon request and reported annually to OPP&FM within sixty days after the close of each fiscal year.

(3) Each state agency shall provide a report to OPP&FM containing the following information:

(a) A listing of each agency-owned or leased passenger motor vehicle, and where appropriate the name of the employee to whom it is assigned, showing the number of miles traveled by that vehicle per month. Vehicles authorized to be used between duty station and home shall be so identified and an estimate of that travel shall be provided.

(b) The number of monthly off-duty calls experienced by an individual assigned a vehicle because he is on 24-hour call.

(c) The department of general administration's motor pool will provide the report of miles driven for all passenger motor vehicles assigned on a permanent basis and on trip dispatch basis to state agencies and/or individuals. Agencies assigned motor pool vehicles on a permanent basis shall show, where applicable, the name of the employee to whom it is assigned and, when authorized for use between duty station and shall show, where applicable, the name of the employee to whom it is assigned and, when authorized for use between duty station and home, shall report to OPP&FM an estimate of such miles driven between duty station and home, per quarter.

(d) These reports will be submitted on a quarterly basis and are due within 30 days following the close of a quarter.

(4) OPP&FM may authorize deviations from data to be reported, report format, or due dates as may be required.

[Order 28, § 82-36-060, filed 12/30/75; Order 27, § 82-36-060, filed 11/20/75; Order 23, § 82-36-060, filed 6/2/75.]

WAC 82-36-070 Use of privately-owned automobiles. (1) The use of a privately-owned automobile in the conduct of official state business may be authorized by the agency head or his designee for any one of the following reasons:

(a) A state-owned agency or motor pool passenger motor vehicle is not available.

(b) It is found to be more advantageous and economical to the state that an employee travel by a privately-owned vehicle rather than a common carrier or a state-owned or operated passenger motor vehicle as determined by use of cost-comparison data provided by the department of general administration.

(2) Normally, the use of a privately-owned vehicle shall be based upon the agency work requirements and not the personal preference or convenience of an employee. However, when an employee requests to use a privately owned vehicle in lieu of a state-owned or operated passenger motor vehicle that is available for use, and the request is approved by the agency head or his designee, the employee shall be reimbursed at a rate not to exceed the total cost per mile to operate state motor pool passenger vehicles. The state motor pool passenger vehicle total cost per mile shall be determined by the department of general administration, updated on March 1 and September 1 of each year, and provided to OPP&FM.

(3) The driver of a privately-owned vehicle authorized for use in the conduct of official state business must possess a valid driver's license.

[Order 28, § 82-36-070, filed 12/30/75; Order 27, § 82-36-070, filed 11/20/75; Order 23, § 82-36-070, filed 6/2/75.]

WAC 82-36-080 Use of state-owned or operated passenger motor vehicles. (1) The use of a state-owned or operated passenger motor vehicle shall be authorized by the agency head or his designee.

(2) Except as otherwise provided by law or by regulations of OPP&FM, state-owned, leased, or rented passenger motor vehicles shall be used only on official state business.

(3) The operator shall be responsible for maintaining good appearance of the passenger motor vehicle.

(4) The operator must adhere to careful driving practices, and observe traffic laws and regulations at all times.

(5) Purchase of gas, oil and other items under a state credit card or emergency repairs to vehicles shall be made in accordance with applicable motor pool and/or department of general administration regulations.

(6) Accident report blanks, trip log and insurance information shall be kept in the glove compartment of the passenger motor vehicle.

(7) Operators must have a valid driver's license in their possession while operating a state passenger motor vehicle.

[Order 28, § 82-36-080, filed 12/30/75; Order 27, § 82-36-080, filed 11/20/75; Order 23, § 82-36-080, filed 6/2/75.]

WAC 82-36-090 Passenger motor vehicle accident reports. (1) Traffic accidents must be reported by the operator within 24 hours to the agency head or his designee and the proper law enforcement agency. All traffic accidents, regardless of how slight, must be reported in writing as required by the state's insurance carrier, state motor pool and the agency as applicable. Those accidents which involve personal injuries must be reported by telephone and followed up with a written report, both to the agency and insurance company.

(2) Where the employee-driver is presumed not at fault, the owning agency shall file its claim for damages with the insurance company of the other operator. Estimates of the cost of repairs shall be obtained as required and the insurance company advised of the cost.

(3) Each agency shall provide the governor's office with the collision frequency report on the established due dates.

[Order 28, § 82-36-090, filed 12/30/75; Order 23, § 82-36-090, filed 6/2/75.]

WAC 82-36-120 Noncompliance. (1) State agencies authorizing the use of state-owned or operated passenger motor vehicles will be held financially accountable for all costs resulting from the violation of these rules relating to the use of state-owned or operated passenger motor vehicles.

(2) Employees shall be advised that personal use of state-owned or operated passenger motor vehicles or violation of traffic safety laws constitute grounds for disciplinary action which may include deductions from salaries or other allowances due, suspension without pay, or termination of employment in the case of repeated violations, suspension or termination of the right to operate state-owned or operated vehicles.

[Order 28, § 82-36-120, filed 12/30/75; Order 23, § 82-36-120, filed 6/2/75.]

WAC 82-36-130 Conservation. All state agencies are required to exercise maximum energy conservation practices in conducting state business. All agencies will consolidate trips where possible, insure adequate maintenance of assigned vehicles, provide employee orientation on the necessity for driving within legal speed limits and employ other means as necessary to achieve energy conservation.

[Order 28, § 82-36-130, filed 12/30/75; Order 23, § 82-36-130, filed 6/2/75.]

WAC 82-36-140 Maintenance and repair. (1) All state agencies having control of state-owned or operated passenger motor vehicles shall establish and maintain a preventive maintenance program.

(2) Every state-owned or operated passenger vehicle shall be provided with the following information.

(a) List of state repair and servicing facilities where state-owned or operated passenger motor vehicles should be taken for service and replacement parts.

(b) Statement of operator's responsibilities.

(c) Accident and insurance report forms with instructions as to their preparation and disposition.

(d) Instructions for use of agency credit card.

(e) Emergency instructions.

(3) All maintenance and repair of state-owned or operated passenger motor vehicles will, whenever possible, be performed at a state facility. When the repairs to be done are beyond the capabilities of state facilities, the operator/agency will receive authority from the vehicle issuing agency to have the repairs accomplished at a local contract facility. Procedures for having contract or repair work performed can be obtained through the department of general administration.

[Order 28, § 82-36-140, filed 12/30/75.]

WAC 82-36-150 Disposal of passenger motor vehicles. (1) One or more of the following criteria shall be used in disposing of passenger motor vehicles:

(a) The state agency no longer has a need for the vehicle.

(b) The vehicle has been wrecked or damaged beyond the point of being economically repairable.

(c) The vehicle is five years old or has 75,000 miles or more - whichever occurs first. Vehicles exceeding the age or mileage criteria shall be disposed of at the discretion of the agency head or his designee.

(d) The vehicle has been determined to be uneconomical to retain, regardless of age or mileage.

(2) Any state agency desiring to dispose of a passenger motor vehicle that the agency owns shall submit a report, on a form designated by the department of general administration, to the department of general administration. All vehicles submitted to the department of general administration for surplus sale shall, as a first option, be available for transfer to any state agency at the NADA value for a period not less than 30 days prior to selling to political subdivisions or other units or at a public sale.

(3) Agencies disposing of passenger motor vehicles through the state surplus property section, division of purchasing, shall be reimbursed as follows:

(a) When the motor transport division can utilize a surplus passenger vehicle for assignment to another state agency or within a state motor pool, the vehicle shall be transferred to the motor transport division, and

(i) When the vehicle was previously purchased with dedicated, revolving or trust funds and if surplus funds are available, the relinquishing state agency may be paid in cash unless the agency elects to receive credit. When surplus funds are not available, the value at the time of transfer shall be entered upon the accounts of the motor transport division as an amount due the agency and fund from which the vehicle was purchased and maintained. The value of the vehicle shall be determined as defined under NADA value.

(ii) When the vehicle was previously acquired without cost or from general fund appropriations the value of the vehicle shall be entered upon the accounts of the motor transport division as an amount due the relinquishing state agency. The value of the vehicle shall be determined as defined under NADA value.

(b) When a state agency desires a state-owned vehicle processed through the state surplus property section, the

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vehicle shall be transferred at the NADA value. The relinquishing agency shall be paid in cash by the purchasing agency (other than the motor transport division) without service or handling charges by the state surplus property section.

(c) For those vehicles disposed of at an auction sale, state agencies will be reimbursed for the vehicles, in cash, in the amount obtained for the vehicles, less a service and handling charge.

(4) The average trade-in value quoted in the most current issue of the National Automobile Dealers Used Car Guide (NADA) shall be the maximum allowable reimbursement for vehicles transferred between all state agencies.

[Order 27, § 82-36-150, filed 11/20/75.]

Chapter 82-40 WAC

FINANCING OF HISTORIC PRESERVATION GRANTS

WAC

82-40-010	Scope of chapter.
82-40-020	Entities eligible for funding assistance.
82-40-030	Projects eligible for funding.
82-40-040	Matching requirements.
82-40-050	Procedural detail.
82-40-060	Administrative costs.
82-40-070	Joint rules.

WAC 82-40-010 Scope of chapter. This chapter establishes the criteria for historic preservation projects proposed by local and state agencies to receive grants from funds appropriated to the state parks and recreation commission for the purpose of financing historic preservation grants.

[Order 26, § 82-40-010, filed 8/19/75.]

WAC 82-40-020 Entities eligible for funding assistance. Only public agencies as defined in section 5, chapter 129, Laws of 1972 2nd ex. sess. are eligible for funding assistance.

[Order 26, § 82-40-020, filed 8/19/75.]

WAC 82-40-030 Projects eligible for funding. Projects eligible for funding must be (1) on the National Register of Historic Places, or (2) on the Washington state register of historic places, or (3) possess sufficient characteristics to become eligible for either the national or state register of historic places, and/or (4) authentic artifacts intended for use with any properties identified in (1), (2) and (3) above.

[Order 26, § 82-40-030, filed 8/19/75.]

WAC 82-40-040 Matching requirements. The Washington state parks and recreation commission may approve up to 100 percent funding of the total cost of eligible projects proposed by state agencies and may approve up to 50 percent funding of the total cost of the eligible projects proposed by local agencies. Federal historic preservation funds may not be used for local matching purposes.

[Order 26, § 82-40-040, filed 8/19/75.]

WAC 82-40-050 Procedural detail. The commission may delegate to the director or his designee, the right to adopt grant application procedures to facilitate the administration of the grant program.

[Order 26, § 82-40-050, filed 8/19/75.]

WAC 82-40-060 Administrative costs. The commission may use program funds to assure continued administration of the historic preservation program.

[Order 26, § 82-40-060, filed 8/19/75.]

WAC 82-40-070 Joint rules. The rules contained in this chapter are adopted jointly by the Washington state parks commission and the office of program planning and fiscal management pursuant to section 170(2), chapter 269, Laws of 1975 1st ex. sess.

[Order 26, § 82-40-070, filed 8/19/75.]

Chapter 82-44 WAC STATE ENVIRONMENTAL POLICY ACT REGULATIONS

WAC

82-44-010	Exempt activities.
82-44-020	Capital budget defined.
82-44-030	Application of environmental considerations to the capital budgeting process.
82-44-040	Capital budget—Lead agency.
82-44-050	Lead agency determines timing of the environmental impact statement (EIS) process.
82-44-060	Project checklists.
82-44-070	Exempt project requests.
82-44-080	Project checklist to legislature.
82-44-090	Compliance with State Environmental Policy Act (SEPA).

WAC 82-44-010 Exempt activities. The office of program planning and fiscal management is a part of the governor's office. This agency provides information, planning, management and accounting services to other state agencies. The functions of the agency have been reviewed with regard to the application of the State Environmental Policy Act (SEPA) and with the exception of the preparation of the capital budget, all authorized activities of the agency are exempt under WAC 197-10-040(2) and 197-10-150 through 197-10-190. More specifically, but not limited to the following, its activities are exempt under WAC 197-10-170 (4), (7), (8), (11), (12), (16), (17), and (21).

[Order 31, § 82-44-010, filed 7/19/76.]

WAC 82-44-020 Capital budget defined. Capital budget for purposes of these regulations means the governor's proposed biennial capital budget as defined in the office of program planning and fiscal management's policies and regulations manual, Section 1.1.1.3. The governor's proposed biennial operations budget does not fall within the definition of "action" as contained in WAC 197-10-040 and is exempt under WAC 197-10-170 (7)(c).

(1989 Ed.)

[Order 31, § 82-44-020, filed 7/19/76.]

WAC 82-44-030 Application of environmental considerations to the capital budgeting process. RCW 43-.21C.030 requires that to the fullest extent possible environmental considerations must be a part of the decision-making process in capital projects. The capital budgeting process contains the following steps. Each agency submits a 6-year capital plan in accordance with budget instructions issued by the office of program planning and fiscal management. The office of program planning and fiscal management reviews such requests and makes recommendations to the governor. The governor in turn will review the recommendations and materials submitted by the agencies in support of their projects and submits his proposed capital budget to the legislature. Capital budget requests submitted by agencies to the office of program planning and fiscal management are preliminary and normally are not sufficiently definite to permit a meaningful environmental analysis. Accordingly, an environmental impact statement (EIS) is not required by these rules to be submitted on each requested project. Agencies not submitting a project EIS must comply with the requirements of WAC 82-44-050 through 82-44-080 to enable known environmental factors to be available in the decision-making process.

[Order 31, § 82-44-030, filed 7/19/76.]

WAC 82-44-040 Capital budget—Lead agency. The lead agency for purposes of preparation of the capital budget shall be the agency submitting a capital budget request pursuant to budget instructions issued by the office of program planning and fiscal management.

[Order 31, § 82-44-040, filed 7/19/76.]

WAC 82-44-050 Lead agency determines timing of the environmental impact statement (EIS) process. WAC 197-10-055 requires each agency to identify the time at which the EIS process must be completed. For purposes of the capital budgeting process the lead agency shall determine the timing of the EIS process under its own regulations without regard to the budget process.

[Order 31, § 82-44-050, filed 7/19/76.]

WAC 82-44-060 Project checklists. Known environmental considerations are to be disclosed at the earliest possible point in the budget process. Accordingly, the lead agency shall submit a project checklist for each nonexempt project request. The project checklist shall take the form of the environmental checklist set out in WAC 197-10-365. It should be completed to the extent possible in view of the information available. It must identify as specifically as possible the proposed location of the project. If alternative locations are being considered and if the lead agency determines that the information will be helpful in the decision-making process, it shall submit a separate project checklist on each alternative.

[Order 31, § 82-44-060, filed 7/19/76.]

WAC 82-44-070 Exempt project requests. No project checklist shall be required for projects which are exempt from EIS and threshold determinations under chapter 197-10 WAC. This includes projects for which a final agency decision to undertake a major action has not been made and thus the project falls within the provisions of WAC 197-10-170 (7)(c). No project checklist shall be required for reappropriations.

[Order 31, § 82-44-070, filed 7/19/76.]

WAC 82-44-080 Project checklist to legislature. Project checklists on projects included in the governor's proposed budget will be submitted to the legislature. Appropriation requests will include costs for an EIS on projects when requested by the lead agency.

[Order 31, § 82-44-080, filed 7/19/76.]

WAC 82-44-090 Compliance with State Environmental Policy Act (SEPA). This chapter is adopted in compliance with the requirements of WAC 197-10-800 and RCW 43.21C.120. The requirements for a project checklist does not exempt lead agencies from compliance with other requirements of SEPA.

[Order 31, § 82-44-090, filed 7/19/76.]

Chapter 82-48 WAC

DISCLOSURE OF PUBLIC RECORDS

WAC

82-48-010	Purpose.
82-48-020	Definitions.
82-48-030	Description of the office of program planning and fiscal management.
82-48-040	Responsibilities.
82-48-050	Method of operation.
82-48-060	Public records available.
82-48-070	Commercial purposes.
82-48-080	Public records officer.
82-48-090	Availability of records.
82-48-100	Inspection of public records.
82-48-110	Copying of public records.
82-48-120	Commercial purposes.
82-48-130	Agency rules for inspection and copying of public records.
82-48-140	Exemptions—Court protection.
82-48-150	Review of denial of public records request.
82-48-160	Records index.
82-48-170	Communications with the agency.

WAC 82-48-010 Purpose. The purpose of this chapter shall be to ensure compliance by the office of program planning and fiscal management with the provisions of chapter 42.17 RCW, Disclosure—Campaign finances—Lobbying—Records; and in particular, with RCW 42.17.250 through 42.17.340 dealing with public records.

[Order 34, § 82-48-010, filed 9/16/76.]

Reviser's note: Upon the enactment of section 110, chapter 151, Laws of 1979, the office of program planning and fiscal management shall be known and designated as the office of financial management. The effective date is September 21, 1977. See RCW 43.41.035.

WAC 82-48-020 Definitions. (1) "Public record" includes any writing containing information relating to

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the conduct of government or the performance of any governmental or proprietary function prepared, owned, used or retained by any state or local agency regardless of physical form or characteristics.

(2) "Writing" means handwriting, typewriting, printing, photostating, photographing, and every other means of recording any form of communication or representation, including letters, words, pictures, sounds; or symbols or combination thereof, and all papers, maps, magnetic or paper tapes, photographic films and prints, magnetic or punched cards, discs, drums and other documents.

(3) The abbreviation, OPP&FM, as used hereinafter shall mean the office of program planning and fiscal management. Where appropriate, the abbreviation OPP&FM also refers to the staff and employees of the office of program planning and fiscal management.

[Order 34, § 82-48-020, filed 9/16/76.]

WAC 82-48-030 Description of the office of program planning and fiscal management. OPP&FM is the agency having primary responsibility for the fiscal affairs of state government in accordance with chapters 43.41 and 43.88 RCW. It is organized into a budgeting division, an accounting division, and other divisions which support and augment these activities.

[Order 34, § 82-48-030, filed 9/16/76.]

WAC 82-48-040 Responsibilities. The responsibilities of OPP&FM include preparation of the governor's budget for presentation to the legislature, operation of the budget allotment system, and maintenance of central books of account containing timely records of changes in the financial status of the state. OPP&FM also provides technical assistance to the governor and legislature by preparing notes and recommendations, based on information it has obtained, concerning needs and policies recommended for meeting these needs through state programs. In addition, the Revised Code of Washington contains a body of statutes which assign specific duties of an advisory, supervisory, regulatory or similar nature to OPP&FM. All of these relate either directly or indirectly to the financial affairs of the state of agencies thereof. A summary of statutes under which the agency operates is maintained in the office of the deputy director of OPP&FM. This summary is hereby designated as a portion of this chapter.

[Order 34, § 82-48-040, filed 9/16/76.]

WAC 82-48-050 Method of operation. In carrying out its responsibilities, OPP&FM receives information about the management and operation of state agencies and their programs. This information includes, but is not limited to: Budget proposals, short and long-range goals and the plans developed to meet them, present and projected workloads, capital and operating resource requirements, detailed and summary reports of current expenditures, financial commitments, etc. This information is obtained both on a routine basis and in response to requests from the executive and legislative branches.

It is recorded and evaluated by OPP&FM and becomes the basis for reports, recommendations, approval of expenditures and, in certain cases, for the establishment of firm criteria for the disbursement of state funds. An example of the latter use is the annual determination of the population of all cities and towns in the state, required by RCW 43.62.030, which is the basis for distribution of tax revenues to these communities.

In obtaining the necessary data to perform these functions, OPP&FM employs numerous methods of communication including, but not limited to: Reports submitted by state agencies, meetings with agency representatives, memoranda and informal contacts between its personnel and that of respondent agencies.

When necessary for the timely and uniform execution of its duties, OPP&FM exercises its statutory power to place standardized reporting requirements upon other agencies of state government.

OPP&FM has published and currently maintains a manual of "Policies and regulations" for the guidance of state agencies in fiscally-related matters.

[Order 34, § 82-48-050, filed 9/16/76.]

WAC 82-48-060 Public records available. All public records of this agency, as defined in WAC 82-48-020, are deemed to be available for public inspection and copying pursuant to these rules, except as otherwise provided by RCW 42.17.260 and 42.17.310.

[Order 34, § 82-48-060, filed 9/16/76.]

WAC 82-48-070 Commercial purposes. No provisions of any regulation contained in this chapter 82-48 WAC shall be construed as giving authority to any officer or employee of OPP&FM to give, sell, or provide access to lists of individuals requested for commercial purposes.

[Order 34, § 82-48-070, filed 9/16/76.]

WAC 82-48-080 Public records officer. The public records officer, designated by the agency director, shall be in charge of the public records of OPP&FM. The person so designated shall be located in the office of the deputy director. The public records officer shall be responsible for the following: Implementation of the agency's rules and regulations regarding release of public records for inspection and copying, coordinating the staff of the agency in this regard, and generally insuring compliance by the staff with the public records disclosure requirements of RCW 42.17.250 - 42.17.340. In the absence of the public records officer when a request for public records is made, a designated representative shall act on his behalf in carrying out the above-described responsibilities.

[Order 34, § 82-48-080, filed 9/16/76.]

WAC 82-48-090 Availability of records. Public records of OPP&FM shall be made available for inspection and the preparation of requested copies in the office of the deputy director during normal office hours. For the purposes of this chapter, normal office hours of

OPP&FM shall be from 8:00 a.m. until noon and from 1:00 p.m. until 5:00 p.m., Monday through Friday, excluding legal holidays.

[Order 34, § 82-48-090, filed 9/16/76.]

WAC 82-48-100 Inspection of public records. Public records of OPP&FM required by any person to be disclosed in accordance with the provisions of chapter 42.17 RCW, shall be provided by the public records officer for inspection in the office of the deputy director. Persons requesting such records may not remove them from the office of the deputy director. Public records requested will be made available as promptly as is possible without excessive interference with the other essential functions of the agency, and in accordance with rules provided to protect the records so requested from damage or disorganization.

[Order 34, § 82-48-100, filed 9/16/76.]

WAC 82-48-110 Copying of public records. No fee shall be charged for the inspection of public records. The agency may impose a charge for providing copies of public records. Such charges shall not exceed the amount necessary to reimburse the agency for its actual costs incident to such copying. No person shall be provided a copy of a public record which has been copied by the agency at the request of such person until and unless such person has tendered payment of the charge for such copying.

[Order 34, § 82-48-110, filed 9/16/76.]

WAC 82-48-120 Commercial purposes. No provisions of any regulation contained in this chapter 82-48 WAC shall be construed as giving authority to any officer or staff member of OPP&FM to give, sell, or provide access to lists of individuals requested for commercial purposes.

[Order 34, § 82-48-120, filed 9/16/76.]

WAC 82-48-130 Agency rules for inspection and copying of public records. In accordance with requirements of chapter 42.17 RCW that agencies prevent unreasonable invasions of privacy, protect public records from damage or disorganization, and prevent excessive interference with essential functions, OPP&FM has established rules under which public records may be inspected and copies of such records obtained. The text of these rules is available to all persons in the office of the deputy director, and is designated as a part of this chapter.

[Order 34, § 82-48-130, filed 9/16/76.]

WAC 82-48-140 Exemptions--Court protection. OPP&FM reserves the right to determine that a public record requested in accordance with the procedures outlined in WAC 82-48-110 is exempt from disclosure under the provisions of RCW 42.17.310.

In addition, pursuant to RCW 42.17.260, OPP&FM reserves the right to delete identifying details when it makes available any public record in cases when there is

reason to believe that disclosure of such details would be an invasion of personal privacy protected by chapter 42.17 RCW.

Responses by OPP&FM refusing, in whole or in part, inspection of any public record shall be in writing and shall include a statement of the specific exemption authorizing the withholding of the public record or part and a brief explanation of how the exemption applies to the record withheld.

Pursuant to RCW 42.17.330, OPP&FM reserves the right to seek to enjoin the examination of any record, the examination of which the agency determines would clearly not be in the public interest and would substantially and irreparably damage vital government functions.

[Order 34, § 82-48-140, filed 9/16/76.]

WAC 82-48-150 Review of denial of public records request. Upon denial of any request for public records based on the exemptions contained in RCW 42.17.310, the written record of such denial shall be submitted to the director of OPP&FM or his designee for review. The results of such review shall be delivered in writing to the public records officer before the end of the second business day following the denial. The public records officer shall make the results of such review immediately available to the person whose request was denied. This review shall constitute final agency action for purposes of judicial review.

[Order 34, § 82-48-150, filed 9/16/76.]

WAC 82-48-160 Records index. The office of program planning and fiscal management shall maintain and make available for public inspection and copying an appropriate index in accordance with RCW 42.17.260.

[Order 34, § 82-48-160, filed 9/16/76.]

WAC 82-48-170 Communications with the agency. All communications with OPP&FM for the purpose of obtaining information, making submittals or requests, or making inquiries concerning the agency's rules for compliance with chapter 42.17 RCW shall be addressed as follows:

Office of Program Planning
and Fiscal Management
Public Records Officer
House Office Building
Olympia, WA 98504

The telephone number of the public records officer is (206) 753-5460.

[Order 34, § 82-48-170, filed 9/16/76.]

Chapter 82-50 WAC PAY DATES FOR STATE EMPLOYEES

WAC

82-50-011 Purpose.
82-50-021 Official lagged, semimonthly pay dates established.
82-50-031 Exceptions.

82-50-032 Termination of exceptions.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

82-50-010 Purpose. [Statutory Authority: RCW 42.16.017. 82-21-003 (Order 55), § 82-50-010, filed 10/8/82.] Repealed by 83-17-118 (Order 83-59), filed 8/24/83, effective 1/11/84.

82-50-020 Pay dates established. [Statutory Authority: RCW 42.16.017. 82-21-003 (Order 55), § 82-50-020, filed 10/8/82.] Repealed by 83-17-118 (Order 83-59), filed 8/24/83, effective 1/11/84.

82-50-030 Exceptions. [Statutory Authority: RCW 42.16.017. 82-21-003 (Order 55), § 82-50-030, filed 10/8/82.] Repealed by 83-17-118 (Order 83-59), filed 8/24/83, effective 1/11/84.

82-50-040 Effective date. [Statutory Authority: RCW 42.16.017. 82-21-003 (Order 55), § 82-50-040, filed 10/8/82.] Repealed by 83-17-118 (Order 83-59), filed 8/24/83, effective 1/11/84.

82-50-041 Effective date. [Statutory Authority: RCW 42.16.010 and 42.16.017. 83-17-118 (Order 83-59), § 82-50-041, filed 8/24/83.] Repealed by 88-16-027 (Order 88-66), filed 7/27/88. Statutory Authority: RCW 42.16.010(1) and 42.16.017.

WAC 82-50-011 Purpose. The purpose of this chapter is to implement RCW 42.16.010(1) which mandates the director of the office of financial management to establish pay dates through the administrative hearing process. The chapter establishes pay dates, exceptions to the mandatory pay dates, and a mechanism whereby exceptions may be terminated.

[Statutory Authority: RCW 42.16.010 and 42.16.017. 83-17-118 (Order 83-59), § 82-50-011, filed 8/24/83.]

WAC 82-50-021 Official lagged, semimonthly pay dates established. Unless exempted otherwise under the provisions of WAC 82-50-031, the salaries of all state officers and employees are paid on a lagged, semimonthly basis for the official twice-a-month pay periods established in RCW 42.16.010(1). The following are the official lagged, semimonthly pay dates for calendar years 1989 and 1990:

CALENDAR YEAR 1989

Tuesday, January 10, 1989
Wednesday, January 25, 1989
Friday, February 10, 1989
Friday, February 24, 1989
Friday, March 10, 1989
Friday, March 24, 1989
Monday, April 10, 1989
Tuesday, April 25, 1989
Wednesday, May 10, 1989
Thursday, May 25, 1989
Friday, June 9, 1989
Friday, June 23, 1989
Monday, July 10, 1989
Tuesday, July 25, 1989
Thursday, August 10, 1989
Friday, August 25, 1989
Monday, September 11, 1989
Monday, September 25, 1989
Tuesday, October 10, 1989
Wednesday, October 25, 1989
Thursday, November 9, 1989
Wednesday, November 22, 1989
Friday, December 8, 1989
Friday, December 22, 1989

CALENDAR YEAR 1990

Wednesday, January 10, 1990
Thursday, January 25, 1990
Friday, February 9, 1990
Monday, February 26, 1990
Friday, March 9, 1990
Monday, March 26, 1990
Tuesday, April 10, 1990
Wednesday, April 25, 1990
Thursday, May 10, 1990
Friday, May 25, 1990
Monday, June 11, 1990
Monday, June 25, 1990
Tuesday, July 10, 1990
Wednesday, July 25, 1990
Friday, August 10, 1990
Friday, August 24, 1990
Monday, September 10, 1990
Tuesday, September 25, 1990
Wednesday, October 10, 1990
Thursday, October 25, 1990
Friday, November 9, 1990
Monday, November 26, 1990
Monday, December 10, 1990
Monday, December 24, 1990

[Statutory Authority: RCW 42.16.010(1) and 42.16.017. 89-17-090 (Order 89-70), § 82-50-021, filed 8/22/89, effective 9/22/89; 89-03-063 (Order 89-67), § 82-50-021, filed 1/18/89; 88-16-027 (Order 88-66), § 82-50-021, filed 7/27/88; 87-16-060 (Order 87-65), § 82-50-021, filed 7/30/87; 86-17-001 (Order 86-63), § 82-50-021, filed 8/8/86; 85-16-014 (Order 85-62), § 82-50-021, filed 7/26/85; 84-14-046 (Order 84-61), § 82-50-021, filed 6/29/84; 83-17-118 (Order 83-59), § 82-50-021, filed 8/24/83.]

WAC 82-50-031 Exceptions. The salaries of all state officers and employees shall be paid on a schedule consistent with the provisions of WAC 82-50-021 with the following exceptions:

(1) Schedules for the payment of compensation on dates other than those established in WAC 82-50-021 are authorized for those state officers and employees with written contracts currently in force which explicitly specify payroll dates other than those established in WAC 82-50-021 until the contracts in effect on September 23, 1983, expire or are renegotiated. After that date, no state agency, office, or institution may contract or agree to any payroll dates other than as specified in WAC 82-50-021 and no state agency, office, or institution may agree to any extension of a contract specifying payroll dates other than those set in WAC 82-50-021 without amending the contract to delete any reference to payroll dates other than those established by WAC 82-50-021.

(2) Schedules for the payment of compensation on pay dates other than those established in WAC 82-50-021 may be authorized in writing by the director of the office of financial management, or the director's designee, in the following instances:

(a) For short-term, intermittent, noncareer state employees;

(b) For student employees of institutions of higher education; and

(c) For liquor control agency managers who are paid a percentage of monthly liquor sales.

(3) Schedules for the payment of compensation on pay dates other than those established in WAC 82-50-021 may be authorized by the director of the office of financial management, or the director's designee, only upon the written request of the agency head, or the agency head's designee, and only for the purpose of maintaining a lagged, semimonthly pay date schedule of shorter duration than the official lagged, semimonthly pay date schedule established in WAC 82-50-021. However, the official pay periods established by RCW 42.16.010(1) are in effect.

[Statutory Authority: RCW 42.16.010(1) and 42.16.017. 88-16-027 (Order 88-66), § 82-50-031, filed 7/27/88. Statutory Authority: RCW 42.16.010 and 42.16.017. 83-17-118 (Order 83-59), § 82-50-031, filed 8/24/83.]

WAC 82-50-032 Termination of exceptions. Pursuant to the approval authority over granting of exceptions provided in RCW 42.16.010(2) and pursuant to the approval authority over all agency and state payroll systems provided in RCW 42.16.017, the director of the office of financial management, or the director's designee, may, terminate any exceptions granted under the provisions of WAC 82-50-031 (2) and (3). The director

shall give written notice to the affected agency head by July 1 of the intent to terminate an exception, and the affected agency shall conform to WAC 82-50-021 on January 1 of the following year.

[Statutory Authority: RCW 42.16.010 and 42.16.017. 83-17-118 (Order 83-59), § 82-50-032, filed 8/24/83.]

Chapter 82-54 WAC SHARED LEAVE PROGRAM

WAC

82-54-010 Transfer of shared leave.
82-54-020 Value of leave transferred.

WAC 82-54-010 Transfer of shared leave. Employees may donate annual leave to other employees for sick leave purposes as established under chapter 93, Laws of 1989. The purpose of the shared leave program is to permit state employees to aid fellow state employees who are suffering from, or have a relative or household member suffering from, extraordinary or severe illness, injury, impairment, or physical or mental condition which have caused or are likely to cause the employees to take leave without pay or terminate their employment.

[Statutory Authority: 1989 c 93. 89-17-089 (Order 89-69), § 82-54-010, filed 8/22/89, effective 9/22/89.]

WAC 82-54-020 Value of leave transferred. The value of leave transferred is to be based upon the current salary rate of the person receiving the leave. The receiving employee will continue to be paid his or her regular rate while on shared leave. Therefore, one hour of donated leave may cover more than or less than one hour of the recipient's salary. Detailed procedures for the transfer of funds under this are prescribed in the accounting procedures manual pursuant to RCW 43.88.160(1).

[Statutory Authority: 1989 c 93. 89-17-089 (Order 89-69), § 82-54-020, filed 8/22/89, effective 9/22/89.]