

(iv) At the conclusion of the construction the applicant will provide state parks with:

- (A) Contractor's billings;
- (B) A19-1 invoice vouchers for reimbursement;
- (C) Copies of all advertisements;
- (D) Copies of all bids;
- (E) Copies of all change orders;
- (F) A copy of the original public works contract if a public entity, or a copy of the original contract with the general contractor if a private entity; and
- (G) A copy of the contractor's performance bond.

[Statutory Authority: Chapters 43.51 and 88.36 RCW. 91-15-103, 352-75-040, filed 7/24/91, effective 8/24/91. Statutory Authority: RCW 43.51.050. 90-10-052, § 352-75-040, filed 4/30/90, effective 5/31/90.]

WAC 352-75-050 Use of funds. Funds in the boat sewage pumpout and sewage dump station program shall only be used to contract with public and private entities to install sewage pumpout or sewage dump stations located on fresh waters and salt waters.

[Statutory Authority: Chapters 43.51 and 88.36 RCW. 91-15-103, 352-75-050, filed 7/24/91, effective 8/24/91. Statutory Authority: RCW 43.51.050. 90-10-052, § 352-75-050, filed 4/30/90, effective 5/31/90.]

WAC 352-75-060 Ongoing cost. Each financial recipient shall comply with the requirements set forth in RCW 88.36.050 and this chapter. It shall further monitor the use of its sewage pumpout and dump station unit and report such usage to state parks not later than thirty days after the 31st day of December for the preceding year in the format prescribed by state parks.

[Statutory Authority: Chapters 43.51 and 88.36 RCW. 91-15-103, 352-75-060, filed 7/24/91, effective 8/24/91. Statutory Authority: RCW 43.51.050. 90-10-052, § 352-75-060, filed 4/30/90, effective 5/31/90.]

WAC 352-75-070 Equipment breakdown. Each financial recipient is responsible for the upkeep or preservation of condition of its sewage pumpout and dump station facility, including cost of ordinary repairs necessary and proper from time to time for that purpose. In the event an equipment breakdown does occur, the financial recipient must notify state parks within two working days of the breakdown. The facility must be repaired and be fully operational within ten days after the breakdown where the breakdown can be cured with normal expected repairs of five hundred dollars or less. For repairs greater than five hundred dollars, the facility must be fully operational within twenty days after the breakdown. A written report for all breakdowns must be submitted to state parks within two weeks of the breakdown describing the problem(s), repair(s), and cost(s). State parks reserves the right to make exceptions to the breakdown repair time limits in extenuating circumstances.

[Statutory Authority: Chapters 43.51 and 88.36 RCW. 91-15-103, 352-75-070, filed 7/24/91, effective 8/24/91. Statutory Authority: RCW 43.51.050. 90-10-052, § 352-75-070, filed 4/30/90, effective 5/31/90.]

[1991 WAC Supp—page 2340]

WAC 352-75-080 General contract provisions. Contracts entered into with the commission shall be under the guidelines of RCW 88.36.050 and this chapter. Each contract shall include but not be limited to the following provisions:

- (1) Term and acceptance of contract.
- (2) Scope of project and maximum project costs.
- (3) Maximum project costs and budget adjustments.
- (4) Design and construction.
- (5) Reimbursement.
- (6) Governing law.
- (7) Severability.
- (8) Dispute resolution.
- (9) Negotiation period.
- (10) Termination.
- (11) Survival.
- (12) Ownership.

[Statutory Authority: Chapters 43.51 and 88.36 RCW. 91-15-103, 352-75-080, filed 7/24/91, effective 8/24/91. Statutory Authority: RCW 43.51.050. 90-10-052, § 352-75-080, filed 4/30/90, effective 5/31/90.]

WAC 352-75-090 Spill reporting and cleanup. In the event that materials from the boat sewage pumpout and dump station spill in the marina, boat launch, or boat destination areas, the financial recipient shall promptly commence and complete cleanup of the area and shall notify state parks within forty-eight hours of any spill which is otherwise required to be reported to any federal, state, or local regulatory agency.

[Statutory Authority: Chapters 43.51 and 88.36 RCW. 91-15-103, 352-75-090, filed 7/24/91, effective 8/24/91. Statutory Authority: RCW 43.51.050. 90-10-052, § 352-75-090, filed 4/30/90, effective 5/31/90.]

Title 356 WAC

PERSONNEL, DEPARTMENT OF

Chapters

356-05	Definitions.
356-06	General provisions.
356-09	Affirmative action program.
356-10	Classification.
356-15	Compensation plan appendix.
356-18	Leave.
356-22	Recruitment—Examinations.
356-26	Registers—Certification.
356-30	Appointments—Separations.

Chapter 356-05 WAC DEFINITIONS

WAC

356-05-173	Flex-time.
356-05-260	Persons of disability.
356-05-327	Protected group members.
356-05-493	Workforce diversity.

WAC 356-05-173 Flex-time. These work schedules require fixed core hours of work with starting and quitting times other than 8 a.m. to 5 p.m.

[Statutory Authority: RCW 41.06.040 and 41.06.150. 91-20-030 (Order 384), § 356-05-173, filed 9/23/91, effective 11/1/91.]

WAC 356-05-260 Persons of disability. For affirmative action purposes, as provided in these rules, people with disabilities are persons with a permanent physical, mental, or sensory impairment which substantially limits one or more major life activities. Physical, mental or sensory impairment means: (a) Any physiological or neurological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the body systems or function; or (b) any mental or psychological disorders such as mental retardation, organic brain syndrome, emotional or mental illness or any specific learning disability. The impairment must be material rather than slight, and permanent in that it is seldom fully corrected by medical replacement, therapy or surgical means.

[Statutory Authority: RCW 41.06.040 and 41.06.150. 91-23-107 (Order 395), § 356-05-260, filed 11/20/91, effective 1/1/92. Statutory Authority: RCW 41.06.150. 87-02-038 (Order 267), § 356-05-260, filed 1/2/87.]

WAC 356-05-327 Protected group members. Protected groups for affirmative action purposes are: Persons age forty and above, people with disabilities, Vietnam Era veterans, disabled veterans, women, Asians and Pacific Islanders, Blacks, Hispanics, Native Americans and Alaska Natives.

[Statutory Authority: RCW 41.06.040 and 41.06.150. 91-20-031 (Order 385), § 356-05-327, filed 9/23/91, effective 11/1/91. Statutory Authority: RCW 41.06.150. 87-02-038 (Order 267), § 356-05-327, filed 1/2/87.]

WAC 356-05-493 Workforce diversity. Diversity is the condition of being different and having differences. Applied to the workforce, it means that an increasing number of employees with a greater range of distinctions are, and will be, present within the workplace. This includes persons with diverse racial, ethnic, cultural, economic and geographic backgrounds as well as people with disabilities, different ages, physical characteristics and gender, veterans status, and members of varying forms of family structures, religious preferences, and sexual orientations.

[Statutory Authority: RCW 41.06.040 and 41.06.150. 91-20-032 (Order 386), § 356-05-493, filed 9/23/91, effective 11/1/91.]

Chapter 356-06 WAC GENERAL PROVISIONS

WAC
356-06-055 Exempt—Classified service—Movement between.

WAC 356-06-055 Exempt—Classified service—Movement between. (1) Any classified employee having civil service status in a classified position who accepts an appointment in an exempt position shall have the right

to return to the highest class of position in which the employee previously held permanent status, or to a position of similar nature and salary, provided the employee was not terminated from an exempt position for gross misconduct or malfeasance. Such employee must apply to return to classified service within 30 calendar days of:

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

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

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

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

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

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

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

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

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

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

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

(5) Employees may replace incumbents currently in the positions to which they are returning. Seniority shall not be a factor in initially determining the position chosen for the returning employee. However, the replaced incumbents are entitled to the rights and options of the reduction in force procedures of their agency.

Employees in the classified service whose positions have been exempted from the civil service law in accordance with RCW 41.06.070 (24), (25), or (28) and have not previously held other classified positions may return to the classified service in any vacant positions in their respective departments provided the employees:

(a) Meet the minimum qualifications;

(b) Have greater seniority than other employees who would be offered the vacancy(ies) as a reduction in force option or certifications from the reduction in force register.

[Statutory Authority: RCW 41.06.040 and 41.06.150. 91-21-081 (Order 392), § 356-06-055, filed 10/18/91, effective 12/1/91; 90-12-

027 (Order 353), § 356-06-055, filed 5/30/90, effective 6/30/90. Statutory Authority: RCW 41.06.150. 85-21-113 (Order 237), § 356-06-055, filed 10/23/85, effective 12/1/85; 84-11-091 (Order 204), § 356-06-055, filed 5/23/84, effective 9/1/84; 83-09-030 (Order 183), § 356-06-055, filed 4/15/83. Statutory Authority: RCW 41.06.150(17). 82-22-020 (Order 177), § 356-06-055, filed 10/26/82; 82-19-092 (Order 175), § 356-06-055, filed 9/22/82; Order 82, § 356-06-055, filed 9/26/75; Order 69, § 356-06-055, filed 9/30/74; Order 63, § 356-06-055, filed 2/26/74.]

Chapter 356-09 WAC

AFFIRMATIVE ACTION PROGRAM

WAC

- 356-09-020 Affirmative action program—Equal employment opportunity policy statement.
356-09-050 Affirmative action program—Testing.

WAC 356-09-020 Affirmative action program—Equal employment opportunity policy statement. Each agency head shall publish and endorse an equal employment opportunity policy statement that reflects the agency's policy of equal opportunity with respect to race, creed, color, national origin, sex, age, marital status, veteran status, sexual orientation, or the presence of any sensory, mental or physical disability. Other elements of the statement will be in accordance with the department of personnel affirmative action program guidelines.

[Statutory Authority: RCW 41.06.040 and 41.06.150. 91-20-033 (Order 387), § 356-09-020, filed 9/23/91, effective 11/1/91. Statutory Authority: RCW 41.06.150. 87-02-038 (Order 267), § 356-09-020, filed 1/2/87.]

WAC 356-09-050 Affirmative action program—Testing. (1) The department of personnel will make reasonable accommodations for persons of disability who require such during test procedures.

(2) The department of personnel may test a protected group member after the closing date of the recruitment announcement, provided:

- (a) A register exists for the class; and
- (b) The employing agency or the state has not met affirmative action goals for a specific protected group for that class or job category; and
- (c) The protected group's representation on the register is less than the availability for the protected group; and
- (d) The applicant is a member of the protected group identified in (b) and (c) of this subsection, and met minimum qualifications at the time of application; and
- (e) The protected group member has not been tested under the same recruitment announcement within the past thirty calendar days.

(f) The test may not be taken more than three times within a 12-month period unless the examination content has been substantially changed.

[Statutory Authority: RCW 41.06.040 and 41.06.150. 91-20-034 (Order 388), § 356-09-050, filed 9/23/91, effective 11/1/91. Statutory Authority: RCW 41.06.150. 87-02-038 (Order 267), § 356-09-050, filed 1/2/87.]

Chapter 356-10 WAC CLASSIFICATION

WAC

- 356-10-050 Employee appointment status—Upward reallocation.

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

(1) Employee must compete at the time of certification from the appropriate eligible register, unless otherwise determined by the director of personnel or designee, when the position is reallocated upward based on recent or impending changes in duties and responsibilities. The effective date of an incumbent's appointment status as provided in this subsection will be the date when he/she is appointed from a certification. If the employee is appointed from a certification, his/her salary is then determined in accordance with the rule governing promotion. The employee will serve a probationary or trial service.

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

- (a) The incumbent meets the minimum or desirable qualifications for the new class; or, the incumbent meets acceptable qualifications as determined by the director of personnel or designee; and
- (b) The department of personnel verifies that the incumbent has the knowledge, skills and abilities needed for the new class.

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

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

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

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

(5) The director of personnel or designee may approve the retention of status without examination for an incumbent in a reallocated position when it is evident that the reallocation is, in effect, the correction of a long-

term inequity. The employee's salary is adjusted in accordance with the rule governing promotion. The application of this subsection shall not be denied in those cases where the employee has performed duties at a higher class for three continuous years or more.

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

For positions reallocated by agencies under their delegated allocation authority, the effective date of an incumbent's appointment status as provided for in subsection (2) or (5) of this section will be the earliest date that a copy of the classification questionnaire is received by the agency's personnel office or by the department of personnel.

(7) The department of personnel, the director of personnel, and the state personnel board shall not award additional compensation to an employee for any period prior to the date on which the classification questionnaire was received by the department of personnel.

[Statutory Authority: RCW 41.06.040 and 41.06.150. 91-03-070 (Order 368), § 356-10-050, filed 1/16/91, effective 3/1/91; 90-01-110 (Order 329), § 356-10-050, filed 12/20/89, effective 2/1/90. Statutory Authority: RCW 41.06.150. 88-17-041 (Order 306), § 356-10-050, filed 8/15/88; 88-15-060 (Order 303), § 356-10-050, filed 7/18/88, effective 9/1/88. Statutory Authority: RCW 41.06.150, 41.06.175, 41.06.185, 41.06.195 and 41.06.205. 84-17-042 (Order 209), § 356-10-050, filed 8/10/84. Statutory Authority: RCW 41.06.150(17). 80-13-047 (Order 147), § 356-10-050, filed 9/16/80; 79-03-010 (Order 128), § 356-10-050, filed 2/14/79; 78-12-026 (Order 126), § 356-10-050, filed 11/15/78; 78-10-070 (Order 123), § 356-10-050, filed 9/26/78; Order 84, § 356-10-050, filed 10/20/75, effective 11/17/75; Order 64, § 356-10-050, filed 3/20/74; Order 36, § 356-10-050, filed 7/1/71, effective 8/1/71. Formerly WAC 356-08-080.]

**Chapter 356-15 WAC
COMPENSATION PLAN APPENDIX**

WAC	
356-15-061	Shift premium schedule.
356-15-063	Supplemental shift premium for registered nurses.
356-15-080	Standby compensation.
356-15-130	Special pay ranges.

WAC 356-15-061 Shift premium schedule. (1) The shift premium is 50¢ an hour for evening and night shifts, and is payable only under conditions described in WAC 356-15-060.

(2) Registered nurses 1, 2, 3, and 4 and related job classes requiring licensure as a registered nurse, receive a \$1.50 an hour shift differential.

[Statutory Authority: RCW 41.06.040 and 41.06.150. 91-20-028 (Order 382), § 356-15-061, filed 9/23/91, effective 10/24/91. Statutory

Authority: RCW 41.06.150. 86-21-046 (Order 259), § 356-15-061, filed 10/10/86, effective 12/1/86; 85-14-008 (Order 224), § 356-15-061, filed 6/24/85.]

WAC 356-15-063 Supplemental shift premium for registered nurses. (1) For the classes of registered nurse 1, 2, 3, and 4, there shall be the following supplemental shift premium rates payable only in the amounts and under the conditions described in this section.

(a) \$1.00 an hour for registered nurses and related job classes requiring licensure as a registered nurse, payable alone or in any combination with shift premiums authorized in sections WAC 356-15-060, 356-15-061, and 356-15-063 (1)(b) during any hours worked from 11:00 p.m. until 7:00 a.m. and for no other hours.

(b) \$3.00 an hour, payable alone or in combination with shift premiums authorized in sections WAC 356-15-060, 356-15-061, and 356-15-063 (1)(a) during any hours worked from any Saturday morning midnight to Monday morning midnight, and for no other hours.

Example: A registered nurse 2 is scheduled to work from 10:00 p.m. to 6:00 a.m. Friday through Tuesday. On Friday from 10:00 p.m. to 11:00 p.m. the shift premium would be \$1.50 an hour as provided in WAC 356-15-060 and 356-15-061. From 11:00 p.m. until 12:00 midnight the supplemental \$1.00 an hour would be added, raising the premium rate to \$2.50 an hour. At midnight, the supplemental \$3.00 an hour for work on Saturday would be added, raising the premium to \$5.50 an hour until the end of the shift at 6:00 a.m.

If the employee is directed to work overtime until noon, the basic \$2.50 an hour night shift premium continues to be payable to this night shift employee. And the \$3.00 Saturday-Sunday premium continues. But the 11:00 p.m. to 7:00 a.m. \$1.50 stops at 7:00 a.m., reducing the premium to \$5.00 an hour until noon.

(2) These supplemental shift premiums are payable regardless of whether the work was previously scheduled, and regardless of whether the employee is full time or part time.

(3) These supplemental shift premiums are not payable during hours other than those specified, even though additional continuous hours may be worked by the employee.

[Statutory Authority: RCW 41.06.040 and 41.06.150. 91-20-028 (Order 382), § 356-15-063, filed 9/23/91, effective 10/24/91. Statutory Authority: RCW 41.06.150. 88-17-046 and 88-19-023 (Orders 305 and 305A), § 356-15-063, filed 8/16/88 and 9/12/88.]

WAC 356-15-080 Standby compensation. (1) **Requirements:**

(a) An employee is in standby status when not being paid for time actually worked and both of the following conditions exist:

(i) The employee is required to be present at a specified location. The location may be the employee's home or other specific location, but not a work site away from home. When the standby location is the employee's home, and the home is on the same state property where the employee works, the home is not considered a work site.

(ii) The agency requires the employee to be prepared to report immediately for work if the need arises, although the need might not arise.

Note: When the nature of a duty station confines an employee during off duty hours (e.g., a ship), and that confinement is a normal condition of work in the employee's position, standby compensation is not required merely because the employee is confined.

(b) An agency may issue a written policy stating that an employee is in standby status when not being paid for time worked while required to leave a telephone number with the agency or remain in communication with a dispatching authority to respond to a call to begin work in a specified time limit.

(c) Standby status shall not be concurrent with work time.

(2) **Payment:** Any scheduled or nonscheduled work period employee required to stand by shall be paid the hourly standby rate. Standby pay may be authorized by an agency for exceptions work period employees. Exceptions work period employee standby may be compensated with compensatory time. The compensatory time shall be equal in base salary to the dollar amount of standby pay earned.

(3) **Rate:** The standby hourly rate for each step of any range is calculated by dividing the maximum number of standby hours in a workweek (128 hours) into the difference between that step of the range and the same letter step of the range which is exactly two whole numbers higher. That is: (28 - 26, or 28.3 - 26.3) divided by 128 hours.

[Statutory Authority: RCW 41.06.040 and 41.06.150. 91-20-027 (Order 381), § 356-15-080, filed 9/23/91, effective 10/24/91; 91-03-069 (Order 367), § 356-15-080, filed 1/16/91, effective 7/1/91. Statutory Authority: RCW 41.06.150. 87-15-065 (Order 281), § 356-15-080, filed 7/16/87, effective 9/1/87; 86-12-025 (Order 248), § 356-15-080, filed 5/28/86, effective 7/1/86. Statutory Authority: RCW 41.06.150(17). 82-22-020 (Order 177), § 356-15-080, filed 10/26/82; 81-20-060 (Order 161), § 356-15-080, filed 10/5/81; Order 98, § 356-15-080, filed 1/13/77, effective 2/13/77; Order 86, § 356-15-080, filed 5/4/76, effective 10/1/76.*]

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

(1) **"E" range:** This range is used for classes having a prevailing pay range which is shorter than Washington's standard ranges. An "E" range is a standard range with the first four steps removed. Thus, the first step of such a range is the same as Step E of the standard range having the same range number. Periodic increases through the steps of this range are made at the same time intervals as through standard ranges, i.e., a two-step increase after six months at Step E and two annually thereafter up to the maximum step of the range.

(2) **"L" range:** This special range is used only for the class of liquor store clerk (0628). The "L" range was designed to more closely parallel the prevailing pay

structure for retail clerks in private industry. Periodic increases through the steps of the "L" range are made at the same time intervals as through a standard range. Normal progression is Steps A, D, G and K, which represents ten percent per periodic increase.

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

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

(5) **"I" range:** This range is always ten ranges higher than the range approved for lottery district sales representative or lottery telemarketing representative 1 and 2 and it may be applied only to those classifications. Use of this range is limited to sales incentive programs which: (a) May not exceed thirteen weeks for any program; (b) may not exceed four programs in any consecutive twelve months; (c) require achievement of specific goals which are set for each program by the lottery, such goals to be in excess of normal performance standards for the class.

The lottery is authorized to compensate individual employees on the "I" range for not more than three months as a result of any one sales incentive program, with the number of months stipulated in the incentive program announcement. Within these limits, movement of any employee to and from the "I" range will be at the discretion of the lottery, and shall be from and to the same step, subject to change by the employee's periodic increment date.

(6) **"N" range:** This range is used for classes requiring licensure as a registered nurse and having a prevailing pay range which is longer than Washington's standard ranges. An "N" range is a standard range, steps A through K, with five added steps, L through P. Periodic increases through step K of these ranges are made at the same intervals as through standard ranges. Thereafter, an employee receives a one-step increase each year up to the maximum step of the range.

(7) **"J" range:** This range consists of the single rate of twenty dollars per hour. Use is limited to lottery employees who volunteer and are selected for lottery drawing duty as one of the following: (a) The lottery drawing official (LDO); (b) the lottery security official (LSO); or (c) the headquarters drawing official (HDO), as described under lottery procedures.

Employees performing these functions during their normal working shift will not be eligible for "J" range compensation. Employees performing these functions outside of their shift will be compensated by the "J" rate on an hourly basis with a two-hour minimum per drawing period.

(8) **"D" range:** This range is a single level hourly rate equivalent to one-half of step A of range 29. It is payable to employees who have dog handler assignments, and only while they are off duty, but are still required to care for the dog in their charge (usually at home). Work time to be paid at D range includes, but is not limited to time required for daily feeding, exercising, grooming, and emergency health care of the dog, and care and cleaning of the kennel.

[Statutory Authority: RCW 41.06.040 and 41.06.150. 91-13-034 and 91-15-021 (Orders 373 and 373A), § 356-15-130, filed 6/13/91 and 7/11/91, effective 7/14/91 and 8/11/91; 91-05-083 (Order 370), § 356-15-130, filed 2/20/91, effective 4/1/91; 90-23-030 (Order 361), § 356-15-130, filed 11/14/90, effective 12/15/90; 90-13-068 (Order 355), § 356-15-130, filed 6/18/90, effective 7/19/90. Statutory Authority: RCW 41.06.150. 89-14-027 (Order 321), § 356-15-130, filed 6/26/89, effective 8/1/89; 85-09-030 (Order 221), § 356-15-130, filed 4/12/85; 83-08-010 (Order 181), § 356-15-130, filed 3/25/83. Statutory Authority: RCW 41.06.150(17). 81-23-031 (Order 163), § 356-15-130, filed 11/16/81; 79-12-012 (Order 137), § 356-15-130, filed 11/13/79; Order 109, § 356-15-130, filed 9/7/77; Order 98, § 356-15-130, filed 1/13/77, effective 2/13/77; Order 86, § 356-15-130, filed 5/4/76, effective 10/1/76.*]

Chapter 356-18 WAC LEAVE

WAC

356-18-110	Vacation leave—Allowance.
356-18-112	Shared leave.
356-18-230	Partial day absence—Exceptions work period.

WAC 356-18-110 Vacation leave—Allowance. (1) Full-time employees shall not use or be compensated for vacation leave credits until completion of six months continuous state service. Employees whose payroll hours are usually less than 40 hours a week shall not use nor be compensated for vacation leave credits until completion of twelve continuous months of state service.

(2) All requests for vacation leave shall be in writing and must be approved in advance of the effective date unless used in lieu of sick leave or to respond to unforeseen child care requirements, or the supervisor chooses to approve the vacation leave on a retrospective basis.

(3) Vacation leave shall be charged in half-hour increments or in smaller increments as set by the employing agency.

(4) When considering requests for vacation leave the employing agency shall give due regard to the needs of the employee but may require that leave be taken when it will least interfere with the work of the agency.

(5) Vacation leave for religious observances should be granted to the extent agency or program requirements permit.

[Statutory Authority: RCW 41.06.040 and 41.06.150. 91-20-035 (Order 389), § 356-18-110, filed 9/23/91, effective 11/1/91. Statutory Authority: RCW 41.06.150. 89-06-028 (Order 314), § 356-18-110, filed 2/24/89, effective 4/1/89. Statutory Authority: RCW 41.06.150(17). 81-07-030 (Order 152), § 356-18-110, filed 3/13/81; Order 84, § 356-18-110, filed 10/20/75; Order 45, § 356-18-110, filed 4/17/72; Order 36, § 356-18-110, filed 7/1/71, effective 8/1/71. Formerly WAC 356-12-100(6).]

WAC 356-18-112 Shared leave. (1) The purpose of the state leave sharing program is to permit state employees to donate vacation leave to a fellow state employee who is suffering from or has a relative or household member suffering from an extraordinary or severe illness, injury, impairment, or physical or mental condition which has caused or is likely to cause the employee to take leave without pay or terminate his or her employment. An employee is eligible to request participation in the shared leave program when the employee is able to use accrued vacation leave. For purposes of the Washington state leave sharing program, the following definitions apply:

(a) "Employee" means any employee who is entitled to accrue sick leave or vacation leave and for whom accurate leave records are maintained.

(b) "Employee's relative" normally shall be limited to the employee's spouse, child, step child, grandchild, grandparent, or parent.

(c) "Household members" is defined as persons who reside in the same home who have reciprocal duties to and do provide financial support for one another. This term shall include foster children and legal wards even if they do not live in the household. The term does not include persons sharing the same general house, when the living style is primarily that of a dormitory or commune.

(d) "Severe" or "extraordinary" condition is defined as serious or extreme and/or life threatening.

(2) An employee may be eligible to receive shared leave under the following conditions:

(a) The employee's agency head determines that the employee meets the criteria described in this section.

(b) The employee is not eligible for time loss compensation under chapter 51.32 RCW. If the time loss claim is approved at a later time, all leave received shall be returned to the donors, and the employee will return any and all overpayments to the agency.

(c) The employee has abided by agency policies regarding the use of sick leave.

(d) Donated vacation leave is transferable between employees in different state agencies with the agreement of both agency heads.

(3) An employee may donate vacation leave to another employee only under the following conditions:

(a)(i) The receiving employee has exhausted, or will exhaust, his or her vacation leave, and sick leave due to an illness, injury, impairment, or physical or mental condition, which is of an extraordinary or severe nature, and involves the employee, the employee's relative or household member; and

(ii) The condition has caused, or is likely to cause, the employee to go on leave without pay or terminate state employment; and

(iii) The agency head permits the leave to be shared with an eligible employee.

(b) The donating employee may donate any amount of vacation leave provided the donation does not cause the employee's vacation leave balance to fall below eighty hours.

(c) Employees may not donate excess vacation leave that the donor would not be able to take due to an approaching anniversary date.

(4) The agency head shall determine the amount of donated leave an employee may receive and may only authorize an employee to use up to a maximum of two hundred sixty one days of shared leave during total state employment, except that a nonpermanent employee who is eligible to use accrued vacation leave may not use shared leave beyond the earlier date of:

(a) The termination date specified in the nonpermanent employee's appointment letter, or

(b) Nine months or 1560 nonovertime hours from date of appointment to the nonpermanent position; unless extended by the director per WAC 356-30-065(4), 356-30-067(6), and 356-30-140(6).

(5) The agency head shall require the employee to submit, prior to approval or disapproval, a medical certificate from a licensed physician or health care practitioner verifying the severe or extraordinary nature and expected duration of the condition.

(6) Any donated leave may only be used by the recipient for the purposes specified in this section.

(7) The receiving employee shall be paid his or her regular rate of pay; therefore, one hour of shared leave may cover more or less than one hour of the recipient's salary. The calculation of the recipient's leave value shall be in accordance with office of financial management policies, regulations, and procedures. The dollar value of the leave is converted from the donor to the recipient. The leave received will be coded as shared leave and be maintained separately from all other leave balances.

(8) All forms of paid leave available for use by the recipient must be used prior to using shared leave.

(9) Any shared leave not used by the recipient during each incident/occurrence as determined by the agency director shall be returned to the donor(s). The shared leave remaining will be divided among the donors on a prorated basis based on the original donated value and returned at its original donor value and reinstated to each donor's vacation leave balance.

(10) All donated leave must be given voluntarily. No employee shall be coerced, threatened, intimidated, or financially induced into donating vacation leave for purposes of this program.

(11) Agencies shall maintain records which contain sufficient information to provide for legislative review.

[Statutory Authority: RCW 41.06.040 and 41.06.150. 91-07-055 (Order 371), § 356-18-112, filed 3/19/91, effective 5/1/91. Statutory Authority: RCW 41.06.150. 89-16-029 (Order 326), § 356-18-112, filed 7/25/89, effective 8/25/89.]

WAC 356-18-230 Partial day absence--Exceptions work period. Exceptions work period employees shall not be charged with leave without pay for partial days of absence.

[Statutory Authority: RCW 41.06.040 and 41.06.150. 91-14-044 (Order 377), § 356-18-230, filed 6/27/91, effective 7/28/91.]

[1991 WAC Supp--page 2346]

Chapter 356-22 WAC RECRUITMENT--EXAMINATIONS

WAC	
356-22-090	Examinations--Composition.
356-22-120	Examinations--Promotional--Evaluations--Regulations.
356-22-130	Examinations--Minimum qualifications waived or modified--Examinations modified.

WAC 356-22-090 Examinations--Composition. (1) The director of personnel, or designated representative, shall determine, by uniform standards, the appropriate examination for a register for a class and the tests, or combination of tests and relative weights to be assigned. Examinations shall be practical in nature and of such character as to determine the capacity of the applicant to perform the duties of the particular class of positions for which the applicant is competing as well as the applicant's general background and related knowledge, and shall be rated objectively. Examinations will be developed and administered in a manner that minimizes bias due to cultural differences. A passing score may be required on each test included in the examination.

Examinations shall normally consist of one or a combination of the following:

- A written test.
- A performance test.
- An oral test.
- An evaluation of experience and training.

(2) When the director of personnel determines that the number of applicants responding to an examination announcement is excessive in relation to the number of projected job openings, the director may limit admission to the oral test to those scoring highest on a preliminary test which may be a written test, performance test, or an evaluation of experience and training. The number admitted to the oral test shall be at least twice the number of anticipated vacancies for the subsequent year or 20% of those applicants with passing scores, whichever is greater; but never less than 16 or the entire body of passing applicants, whichever is less.

(3) When the director of personnel determines that the number of applicants to be admitted to the oral examination will be limited by a screening procedure as authorized by WAC 356-22-090(2), the department will ensure that, in addition, a representative number of those protected group members who were accepted under the examination announcement and who passed the preliminary test are also admitted to the oral examination.

[Statutory Authority: RCW 41.06.040 and 41.06.150. 91-20-036 (Order 390), § 356-22-090, filed 9/23/91, effective 11/1/91. Statutory Authority: RCW 41.06.150(17). 81-13-030 (Order 157), § 356-22-090, filed 6/15/81; Order 49, § 356-22-090, filed 8/17/72; Order 44, § 356-22-090, filed 4/14/72; Order 36, § 356-22-090, filed 7/1/71, effective 8/1/71. Formerly WAC 356-16-180 and 356-16-190.]

WAC 356-22-120 Examinations--Promotional--Evaluations--Regulations. (1) Inter-agency and intra-agency promotional examinations shall be announced as the director of personnel determines the need and shall be open to persons who meet the minimum requirement

of the position and who are either current employees or employees who have been separated by reduction in force within the last year. Promotional examinations shall consist of one or a combination of the following: Written, performance, or oral test, or rating of training and experience, or other valid test that measures the skills, knowledge and abilities needed for the job class.

(2) The announcement of the promotional examination shall specify the desirable or minimum requirements, the expected type of the examination and the relative weights to be assigned if a combination of tests is used. Announcements shall be prominently posted by all appropriate agencies to ensure that the information is reasonably available to all.

(3) For a class used by only one agency, a promotional evaluation may be used in promotional scores if the class is in workweek group E and all competing employees are employed by the same agency at the time of the examination.

(4) When any of the conditions in subsection (3) of this section are not met, a promotional evaluation may be used in promotional scores provided that the director of personnel determines such promotional evaluations are practical and necessary to improve the effectiveness of the examination.

[Statutory Authority: RCW 41.06.040 and 41.06.150. 91-15-078 (Order 379), § 356-22-120, filed 7/23/91, effective 9/1/91; 91-02-028 (Order 364), § 356-22-120, filed 12/24/90, effective 2/1/91; 90-05-029 (Order 338), § 356-22-120, filed 2/13/90, effective 4/1/90. Statutory Authority: RCW 41.06.150(17). 82-19-092 (Order 175), § 356-22-120, filed 9/22/82; 78-06-017 (Order 120), § 356-22-120, filed 5/12/78; Order 49, § 356-22-120, filed 8/17/72; Order 42, § 356-22-120, filed 1/11/72; Order 36, § 356-22-120, filed 7/1/71, effective 8/1/71. Formerly WAC 356-24-020.]

WAC 356-22-130 Examinations—Minimum qualifications waived or modified—Examinations modified.

(1) Upon the written request of the appointing authority, the director of personnel may waive or modify the minimum qualifications for a class to fill a vacant position on a one-time basis only when (a) there is an incomplete register following recent recruiting or recruitment history data for the particular geographic location indicate that open competitive recruitment would result in an incomplete referral; and (b) an underfill appointment is not feasible in that the position is supervisory or managerial in nature or otherwise requires the full and immediate discharge of duties and responsibilities; and (c) the director of personnel determines the established minimum qualifications to be appropriate under normal conditions and should not be permanently changed.

(2) The director of personnel may admit to an examination an applicant who does not technically meet the published minimum qualifications if the director determines that the applicant's qualifications exceed the minimum qualifications of the class for which the examination is being conducted.

(3) The director of personnel may modify or substitute, for a person of disability, an examination which in his/her judgment is substantially equivalent to the regular examination for the class and compensates for the

disability of the individual to be tested when, in the judgment of the director, all or portions of the examination constitutes an artificial barrier to the applicant's fully demonstrating his/her ability through the normal examination process due to the disability.

(4) When a development plan established and administered by the division of human resource development is available for a classification, confirmed completion of this class development plan (CDP) admits the applicant to the next examination for that class.

[Statutory Authority: RCW 41.06.040 and 41.06.150. 91-03-071 (Order 369), § 356-22-130, filed 1/16/91, effective 3/1/91. Statutory Authority: RCW 41.06.150(17). 80-06-033 (Order 144), § 356-22-130, filed 5/9/80; 78-06-017 (Order 120), § 356-22-130, filed 5/12/78; Order 80, § 356-22-130, filed 7/16/75, effective 8/16/75; Permanent and Emergency Order 50, § 356-22-130, filed 10/19/72; Order 36, § 356-22-130, filed 7/1/71, effective 8/1/71. Formerly WAC 356-24-024.]

Chapter 356-26 WAC

REGISTERS—CERTIFICATION

WAC

356-26-040 Registers—Name removal for cause—Grounds enumerated—Requirements.
356-26-120 Certification—Errors—Correction.

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

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

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

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

(d) If a candidate from a reduction in force register or a dual agency reversion register has waived three offers of employment for a position in the class for which the register was established.

(e) If a candidate from a promotional register has waived consideration three times for a position in the class for which the register was established.

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

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

(h) If an eligible was certified and reported "not satisfactory" on three occasions or if the eligible was certified and the appointing authority reported the eligible "considered but not appointed" on four separate occasions, or if the appointing authority reports either "not satisfactory" or "considered but not appointed" for a total of four times. The director of personnel or designee will monitor all name removals for adverse effect and/or disparate treatment of protected group members.

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

(j) If the appointing authority reports that the eligible was offered employment but could not comply with the personal identification and work authorization requirements of the federal Immigration Reform and Control Act (I.R.C.A.).

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

(3) An eligible's name shall be reinstated on the register upon showing of cause satisfactory to the director of personnel or in accordance with the decision of the personnel board upon appeal.

[Statutory Authority: RCW 41.06.040 and 41.06.150. 91-13-041 (Order 375), § 356-26-040, filed 6/14/91, effective 8/1/91. Statutory Authority: RCW 41.06.150. 87-13-072 (Order 279), § 356-26-040, filed 6/17/87, effective 8/1/87; 87-02-038 (Order 267), § 356-26-040, filed 1/2/87; 85-21-113 (Order 237), § 356-26-040, filed 10/23/85, effective 12/1/85. Statutory Authority: RCW 41.06.150(17). 82-19-092 (Order 175), § 356-26-040, filed 9/22/82; 81-13-030 (Order 157), § 356-26-040, filed 6/15/81; Order 87, § 356-26-040, filed 5/4/76, effective 6/5/76; Order 81, § 356-26-040, filed 8/21/75, effective 9/21/75; Order 76, § 356-26-040, filed 3/31/75; Order 36, § 356-26-040, filed 7/1/71, effective 8/1/71. Formerly WAC 356-16-410.]

WAC 356-26-120 Certification--Errors--Correction. (1) The director shall ensure that the proper actions have been taken and reported.

(2) In the event that a name is certified in error and the error is discovered before one of the named applicants is notified that he or she is appointed, the erroneous certification will be withdrawn and a correct certification made. If a certification is to fill more than one position, only that portion of it pertaining to positions for which applicants have not been notified that they are appointed will be withdrawn.

(3) In the event a name is certified in error and the error is discovered after one of the named applicants is notified that he or she is appointed but prior to the effective date of the appointment, the certification and appointment will be withdrawn as in subsection (2) of this section unless:

(a) Acceptance of the appointment caused the named applicant to change his or her place of residence.

(b) Acceptance of the appointment caused the named applicant to resign from a position that cannot be regained. When the named applicant is a state employee, the agency from which he or she resigned will reinstate the named applicant in his or her previous status.

(4) In the event a name is certified in error and the error is discovered after the effective date of the appointment of one of the named applicants, the director may revoke the appointment and make a proper certification of names. The error may be on the part of any party including erroneous information contained in the application.

(5) Falsification or misrepresentation of information on an application for employment will be cause to remove an applicant's name from the register. If the applicant has been appointed prior to the discovery of the falsification or misrepresentation, the director or the appointing authority may revoke the appointment during the probationary period. After the probationary period the appointing authority may dismiss the employee for cause pursuant to WAC 356-34-010.

[Statutory Authority: RCW 41.06.040 and 41.06.150. 92-02-009 (Order 396), § 356-26-120, filed 12/20/91, effective 2/1/92. Statutory Authority: RCW 41.06.150. 89-02-010 (Order 311), § 356-26-120, filed 12/28/88, effective 2/1/89; Order 76, § 356-26-120, filed 3/31/75; Order 36, § 356-26-120, filed 7/1/71, effective 8/1/71. Formerly WAC 356-20-080.]

Chapter 356-30 WAC

APPOINTMENTS--SEPARATIONS

WAC

356-30-067	Temporary appointments from within classified service.
356-30-120	Part-time employment--Rights acquired.
356-30-260	Probationary period--Provisions--Status of employee.
356-30-290	Reassignment.
356-30-300	Performance evaluation--Requirements--Monitoring.
356-30-305	Trial service period--Provision.
356-30-320	Trial service--Reversion--Status.
356-30-330	Reduction in force--Reasons, regulations--Procedure.

WAC 356-30-067 Temporary appointments from within classified service. (1) Temporary appointments may be made with the approval of the director of personnel or designee to classified positions during the absence of a permanent employee or during a workload peak when there is a need to fill a position for not more than nine months or 1560 nonovertime hours or while recruitment is being conducted to establish a complete register.

(2) Temporary appointments may be made at a lower level than the allocation of the position being filled provided the class falls within the same or a related class series.

(3) All temporary appointments to supervisory or managerial positions must be made from within state service unless the director determines that such action is not practicable.

(4) Established registers, certification, and referral services are available and may be used when making temporary appointments. An employee certified from the register to fill a position in the absence of a permanent employee may enter a probationary or trial service period and subsequently gain permanent status when the permanent employee does not return to the position and the agency needs to fill the position permanently. The director of personnel must approve the change in status before it occurs. Time served in a temporary appointment will not be counted as part of the probationary or trial service period.

(5) Temporary appointees must meet the minimum qualifications of the class to which they are appointed

unless the director of personnel determines that program needs demand otherwise. Upon termination of such temporary appointment, permanent or probationary employees shall have the right to resume a permanent position within their permanent agency at their former status except as provided in (6) below. The employee's salary upon return will be determined as if the employee had remained in the permanent position.

(6) An employee who accepts a temporary appointment to a higher class in the same series in the same work unit shall continue the probationary or trial service period for the lower class.

(7) Temporary appointments made from within classified service will normally last no more than nine months or 1560 nonovertime hours for single or multiple appointments. An extension may be approved by the director when a temporary appointment is made to replace a permanent employee who has been granted a leave of absence, when temporarily filling a supervisory or managerial position when there is reorganization pending, or as otherwise approved by the director. Temporary appointments may extend to thirty days after the date the permanent employee returns or the position is filled permanently. Time spent in emergency appointments will be counted in the 1560 hours.

(8) Compensation for temporary appointees shall be made in accordance with the rules governing promotions, demotions, or transfers.

(9) The director of personnel shall monitor temporary appointments made pursuant to this section and may revoke delegated authority where abuse is found.

[Statutory Authority: RCW 41.06.040 and 41.06.150. 91-20-029 (Order 383), § 356-30-067, filed 9/23/91, effective 11/1/91. Statutory Authority: RCW 41.06.150. 89-14-026 (Order 320), § 356-30-067, filed 6/26/89, effective 8/1/89; 89-04-027 (Order 313), § 356-30-067, filed 1/25/89, effective 3/1/89; 88-18-096 (Order 308), § 356-30-067, filed 9/7/88, effective 11/1/88.]

WAC 356-30-120 Part-time employment--Rights acquired. (1) Any person certified from the register and employed regularly as a part-time employee for six months will be eligible to promote to another part-time position but may assume the rights of a permanent full-time employee, for promotional purposes, only after completing 1040 hours of employment in that position.

(2) Agencies may increase the hours assigned to a position from part time to full time. Upon approval from the director or designee, a part-time employee occupying such position, or a tandem position, may convert to full-time status in that position provided the employee has been in the position at least six months following certification from the permanent part-time register. Prior notification to the exclusive representative is required for positions in bargaining units.

[Statutory Authority: RCW 41.06.040 and 41.06.150. 92-02-010 (Order 397), § 356-30-120, filed 12/20/91, effective 2/1/92; Order 36, § 356-30-120, filed 7/1/71, effective 8/1/71. Formerly WAC 356-24-310.]

WAC 356-30-260 Probationary period--Provisions--Status of employee. (1) Employees who receive appointments to permanent positions from the open

competitive register and the reemployment register shall serve a probationary period of six to twelve months as determined by the personnel board. The personnel board shall designate a probationary period of six months for all positions in a class unless they determine that job requirements of the class require a longer period (up to twelve months) to provide adequate training and/or evaluation. The personnel board shall apply the following criteria for approving probationary periods of longer than six months:

(a) The work of the majority of the positions in the class is of such a nature that performance of the full range of duties cannot be properly evaluated within six months after an appointment.

OR

(b) Work of the class is cyclical in nature and the workload cycle cannot be completed within six months after an appointment.

OR

(c) Work is of such a nature that extended formalized training is required prior to the full assumption of duties.

All positions in a class shall have the same probationary period.

(2) All persons at time of appointment shall be notified in writing by the agency of the length of their probationary period. When the probationary period for a class is increased beyond six months, the increased probationary period shall apply only to persons appointed after the effective date of the change.

(3) The probationary period will provide the appointing authority with the opportunity to observe a new employee's work, to train and aid the new employee in adjustment to the position, and to terminate any employee whose work performance fails to meet the required standards.

(4) Employees who, during their probationary period, go on leave without pay shall have their probationary period extended by the number of calendar days they are on leave without pay including any intervening non-working days.

(5) Employees shall have their probationary period extended by the number of calendar days in excess of 30 in which the employee is not at work including any intervening nonwork days if:

(a) Work is missed due to sick leave, vacation leave, military training leave, shared leave or miscellaneous leave; or

(b) Work is missed by employees of the departments of social and health services, corrections or veterans affairs due to an assault that occurred on the job and who are receiving compensation in an amount equal to full pay, as provided in chapters 72.01 and 72.09 RCW; or

(c) Work is missed due to any combination of leave identified in (5)(a) and (b) of this section which when added together exceeds 30 calendar days.

(6) Work missed during the probationary period due to holidays shall be counted as part of the required probationary period.

(7) When an employee accepts a temporary appointment to a higher class in the same series in the same work unit while serving in a probationary period, the probationary period shall continue for the lower class.

(8) Permanent appointment of a probationary employee shall be automatic unless the person is dismissed under provision of WAC 356-30-270.

(9) Veterans and their widows who have not remarried and are in probationary status will be granted seniority preference only within ranks of probationary employees and will not be granted preference within the ranks of the permanent employees until they acquire permanent status.

[Statutory Authority: RCW 41.06.040 and 41.06.150. 91-20-029 (Order 383), § 356-30-260, filed 9/23/91, effective 11/1/91; 91-07-055 (Order 371), § 356-30-260, filed 3/19/91, effective 5/1/91. Statutory Authority: RCW 41.06.150. 88-06-001 (Order 295), § 356-30-260, filed 2/19/88, effective 4/1/88. Statutory Authority: RCW 41.06.150(17). 82-19-092 (Order 175), § 356-30-260, filed 9/22/82; Order 36, § 356-30-260, filed 7/1/71, effective 8/1/71. Formerly WAC 356-20-220.]

WAC 356-30-290 Reassignment. A probationary employee may be assigned to another position in the same class or may accept a temporary appointment to a higher class in the same class series if both positions are in the same work unit and the agency shall notify the director of personnel of the change.

[Statutory Authority: RCW 41.06.040 and 41.06.150. 91-20-029 (Order 383), § 356-30-290, filed 9/23/91, effective 11/1/91. Statutory Authority: RCW 41.06.150(17). 82-03-030 (Order 165), § 356-30-290, filed 1/18/82; Order 36, § 356-30-290, filed 7/1/71, effective 8/1/71.]

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

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

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

(4) Each supervisor's annual evaluation shall include an assessment of his or her efforts toward achieving the objectives of the agency's affirmative action program, and responding to workforce diversity issues.

(5) The procedures and forms shall:

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

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

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

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

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

(7) Allowing probationary employees to gain permanent status or trial service employees to gain permanent status in the class to which they have been promoted without completion of an evaluation may be regarded as neglect of duty, incompetence or insubordination on the part of the supervisor and may be cause for disciplinary action.

[Statutory Authority: RCW 41.06.040 and 41.06.150. 91-20-037 (Order 391), § 356-30-300, filed 9/23/91, effective 11/1/91; 89-23-070, § 356-30-300, filed 11/15/89, effective 1/1/90. Statutory Authority: RCW 41.06.150. 87-02-038 (Order 267), § 356-30-300, filed 1/2/87; 85-19-078 (Order 230), § 356-30-300, filed 9/18/85. Statutory Authority: RCW 41.06.150, 41.06.169, 41.06.175, 41.06.185, 41.06.195 and 41.06.205. 84-17-042 (Order 209), § 356-30-300, filed 8/10/84. Statutory Authority: RCW 41.06.150. 83-18-031 (Order 191), § 356-30-300, filed 8/31/83. Statutory Authority: RCW 41.06.150(17). 82-19-092 (Order 175), § 356-30-300, filed 9/22/82; 78-12-026 (Order 126), § 356-30-300, filed 11/15/78; Order 36, § 356-30-300, filed 7/1/71, effective 8/1/71. Formerly WAC 356-24-191.]

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

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

(2) Employees who during their trial service period go on leave without pay shall have their trial service period extended by the number of calendar days they are on leave without pay, including any intervening nonworking days.

(3) Employees shall have their trial service period extended by the number of calendar days in excess of 30 in which the employee is not at work, including any intervening nonwork days, if:

(a) Work is missed due to sick leave, vacation leave, military training leave, shared leave or miscellaneous leave; or

(b) Work is missed by employees of the departments of social and health services, corrections or veterans affairs due to an assault that occurred on the job and who are receiving compensation in an amount equal to full pay, as provided in chapters 72.01 and 72.09 RCW; or

(c) Work is missed due to any combination of leave identified in (3)(a) and (b) of this section which when added together exceed 30 calendar days.

(4) Work missed during the trial service period due to holidays shall be counted as part of the required trial service period.

(5) When an employee accepts a temporary appointment to a higher class in the same series in the same work unit while serving in a trial service period, the trial service period shall continue for the lower class.

(6) When an employee is appointed to a higher class while serving in a trial service period, the trial service period for the lower class and the new trial service period for the higher class shall overlap provided that the higher and lower classes are in the same or a closely related field. The employee shall complete the terms of the original trial service period and be given permanent status in the lower class. Such employees will also be granted the rights normally accruing to trial service for the remainder of the trial service period in the higher class.

[Statutory Authority: RCW 41.06.040 and 41.06.150. 91-20-029 (Order 383), § 356-30-305, filed 9/23/91, effective 11/1/91; 91-07-055 (Order 371), § 356-30-305, filed 3/19/91, effective 5/1/91. Statutory Authority: RCW 41.06.150. 88-06-001 (Order 295), § 356-30-305, filed 2/19/88, effective 4/1/88; 84-11-091 (Order 204), § 356-30-305, filed 5/23/84, effective 9/1/84. Statutory Authority: RCW 41.06.150(17), 82-19-092 (Order 175), § 356-30-305, filed 9/22/82.]

WAC 356-30-320 Trial service--Reversion--Status. (1) Employees who were appointed from a voluntary demotion register to a class not previously held or from a promotional register within the same agency and fail to satisfactorily complete the trial service period shall automatically revert to a position in the former classification.

(2) Employees who were appointed from a voluntary demotion register to a class not previously held or from a promotional register into another agency and who fail to satisfactorily complete the trial service period shall be given fifteen calendar days' written notice and placed on the dual-agency reversion register and the service-wide reversion register for their former class. If an employee waives consideration three times for a position in the class for which the register was established, the employee's name will be removed from the reversion register. The employee may then request his/her name be placed on the reemployment register.

(3) Employees who are reverted do not have the right of appeal.

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

(5) Employees who are reemployed from the service-wide reversion registers shall enter a trial service period. Employees reverted during this period may request their names be placed on the register from which they came.

(6) Employees who voluntarily revert to their former class may request the director of personnel to reactivate

their promotional score for the class from which reverted. Employees involuntarily reverted to a former class shall have all examination grades nullified for the class from which they are reverted.

[Statutory Authority: RCW 41.06.040 and 41.06.150. 91-13-042 and 91-21-080 (Orders 376 and 376A), § 356-30-320, filed 6/14/91 and 10/18/91, effective 8/1/91 and 11/18/91; 90-05-028 (Order 339), § 356-30-320, filed 2/13/90, effective 4/1/90. Statutory Authority: RCW 41.06.150. 84-11-091 (Order 204), § 356-30-320, filed 5/23/84, effective 9/1/84. Statutory Authority: RCW 41.06.150(17), 80-13-047 (Order 147), § 356-30-320, filed 9/16/80; Order 43, § 356-30-320, filed 3/17/72; Order 36, § 356-30-320, filed 7/1/71, effective 8/1/71. Formerly WAC 356-20-260.]

WAC 356-30-330 Reduction in force--Reasons, regulations--Procedure. (1) Employees may be separated in accordance with the statutes and the agencies' approved reduction in force procedures after at least fifteen calendar days' notice in writing, without prejudice, because of lack of funds or curtailment of work, or good faith reorganization for efficiency purposes, ineligibility to continue in a position which has been reallocated, or when there are fewer positions than there are employees entitled to such positions either by statute or within other provisions of merit system rules.

(2) When employees have statutory and merit system rule rights to return to the classified service, such employees first shall be returned to the classification selected. If such return causes the total number of employees to exceed the number of positions to be filled in the classification, those employees in excess shall have the reduction in force rights prescribed in this section.

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

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

(b) Clearly defined layoff units, either geographically or by administrative units or both, so as to limit the disruption of an agency's total operation; but not to unduly restrict the options available to employees with greater seniority. The definition of layoff units may be a series of progressively larger units within an agency when a valid option in lieu of separation cannot be offered to respective employees within a lesser-sized unit. Employment projects, established under the provisions of WAC 356-30-145, Project employment, are distinct layoff units, separate and exclusive of any other defined layoff unit or employment project. Seasonal career layoff units, established under the provisions of WAC 356-30-130, Seasonal career employment, are distinct layoff units, separate and exclusive of any other defined layoff unit.

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

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

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

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

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

The position is one which:

- (i) The agency intends to fill;
 - (ii) Is in the current classification of the employee being offered the option, or in a classification within which the employee being offered the option previously held permanent status;
 - (iii) Is at a salary range no lower than the range that would have otherwise been a bumping option;
 - (iv) Is located within a reasonable commuting distance of the employee's permanent work location; and
 - (v) Is on the same or similar workshift as the one which the employee currently holds.
- (g) When an employee has previously held permanent status in more than one classification at the same salary range and is eligible to bump, then the employee shall be offered the option to bump into the position occupied by the employee with the least seniority.

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

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

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

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

(l) Options of other than permanent positions as named in (m) of this subsection are to be made if no

permanent position to be filled is available within a reasonable commuting distance.

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

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

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

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

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

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

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

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

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

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

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

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

(d) In the case of (c) of this subsection, the selective criteria shall not be applied for the purposes of determining reduction in force options until six months after

the notification of the new duties has been made to the department of personnel.

(e) In the case of (a), (b) and (c) of this subsection, the director of personnel or designee must have determined that the specialized qualifications are still essential for the successful job performance and the qualifications could not be learned within a reasonable length of time.

(8) Options to positions which are covered by WAC 356-26-140 may be exercised only by employees who, at the time they are notified they are scheduled for reduction in force:

(a) Are exempt from a background inquiry by WAC 356-26-140(4); or

(b) Authorize a background inquiry as provided for in WAC 356-26-140 and are cleared for the option as a result of the inquiry.

[Statutory Authority: RCW 41.06.040 and 41.06.150. 91-23-106 (Order 394), § 356-30-330, filed 11/20/91, effective 12/21/91. Statutory Authority: RCW 41.06.150. 88-18-096 (Order 308), § 356-30-330, filed 9/7/88, effective 11/1/88; 87-06-024 (Order 271), § 356-30-330, filed 2/24/87; 85-19-080 (Order 232), § 356-30-330, filed 9/18/85; 85-09-030 (Order 221), § 356-30-330, filed 4/12/85. Statutory Authority: RCW 41.06.150, 41.06.175, 41.06.185, 41.06.195 and 41.06.205. 84-17-042 (Order 209), § 356-30-330, filed 8/10/84. Statutory Authority: RCW 41.06.150. 83-24-002 (Order 193), § 356-30-330, filed 11/28/83; 83-13-091 (Order 186), § 356-30-330, filed 6/17/83; 83-08-010 (Order 181), § 356-30-330, filed 3/25/83; 83-01-115 (Order 179), § 356-30-330, filed 12/22/82. Statutory Authority: RCW 41.06.150(17). 82-19-092 (Order 175), § 356-30-330, filed 9/22/82; 81-20-060 (Order 161), § 356-30-330, filed 10/5/81; Order 112, § 356-30-330, filed 11/7/77; Order 63, § 356-30-330, filed 2/26/74; Order 58, § 356-30-330, filed 9/10/73; Order 36, § 356-30-330, filed 7/1/71, effective 8/1/71. Formerly WAC 356-24-400.]

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Chapter 360-08 WAC PRACTICE AND PROCEDURE

WAC
360-08-005 through 360-08-590 Decodified.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

- 360-08-005 Practice and procedure cross reference. [Statutory Authority: RCW 18.64.005. 88-06-026 (Order 210), § 360-08-005, filed 2/25/88.] Decodified by 91-18-057 (Order 191B), filed 8/30/91, effective 9/30/91. Statutory Authority: RCW 18.64.005 and chapter 18.64A RCW. Recodified as WAC 246-857-020.
- 360-08-010 Appearance and practice before board—Who may appear. [Regulation .08.010, filed 1/10/63; Regulation .08.010, filed 3/23/60.] Decodified by 91-18-057 (Order 191B), filed 8/30/91, effective 9/30/91. Statutory Authority: RCW 18.64.005 and chapter 18.64A RCW. Recodified as WAC 246-857-030.
- 360-08-040 Appearance and practice before board—Standards of ethical conduct. [Regulation .08.030, filed 1/10/63; Regulation .08.040, filed 3/23/60.] Decodified by 91-18-057 (Order 191B), filed 8/30/91, effective 9/30/91. Statutory Authority: RCW 18.64.005 and chapter 18.64A RCW. Recodified as WAC 246-857-040.
- 360-08-050 Appearance and practice before board—Appearance by former employee of board or former member of attorney general's staff. [Regulation .08.040, filed 1/10/63; Regulation .08.050, filed 3/23/60.] Decodified by 91-18-057 (Order 191B), filed 8/30/91, effective 9/30/91. Statutory Authority: RCW 18.64.005 and chapter 18.64A RCW. Recodified as WAC 246-857-050.
- 360-08-060 Appearance and practice before board—Former employee as expert witness. [Regulation .08.050, filed 1/10/63; Regulation .08.060, filed 3/23/60.] Decodified by 91-18-057 (Order 191B), filed 8/30/91, effective 9/30/91. Statutory Authority: RCW 18.64.005 and chapter 18.64A RCW. Recodified as WAC 246-857-060.
- 360-08-230 Depositions and interrogatories in contested cases—Right to take. [Regulation .08.230, filed 1/10/63; Regulation .08.230, filed 3/23/60.] Decodified by 91-18-057 (Order 191B), filed 8/30/91, effective 9/30/91. Statutory Authority: RCW 18.64.005 and chapter 18.64A RCW. Recodified as WAC 246-857-070.
- 360-08-240 Depositions and interrogatories in contested cases—Scope. [Regulation .08.240, filed 1/10/63; Regulation .08.240, filed 3/23/60.] Decodified by 91-18-057 (Order 191B), filed 8/30/91, effective 9/30/91. Statutory Authority: RCW 18.64.005 and chapter 18.64A RCW. Recodified as WAC 246-857-080.