

(ii) The institution matches the amount of the academic grant received by the recipient from the state on at least a dollar-for-dollar basis, either with actual money or by waiver of fees. If the institution chooses to match the academic grant with actual cash rather than by waiver of tuition/fees, the institutional match shall consist of dollars derived from institutional grant aid funds.

(b) The maximum reimbursement payable per credit by the state to a recipient attending a Washington private institution under the academic grant shall be calculated as the lesser of one of the following amounts:

(i) One-half of the recipient's cost of tuition/fees for that academic term; or

(ii) The resident, graduate, part-time cost per credit hour for tuition/fees at the University of Washington for an equivalent number of allowable credits in the year the recipient takes the credit; and

(iii) Not to exceed the maximum value of credits remaining in the recipient's academic grant award; and

(iv) Not to exceed the dollar value provided by the institution to match the state portion of the academic grant.

(c) Any recipient who received notification of his or her award by the office of the superintendent of public instruction prior to May 17, 1991 has a vested right to the one thousand dollar stipend, including those recipients who elect to attend a private institution. Award recipients named by the office of the superintendent of public instruction after May 17, 1991 shall be entitled to receive payment of the stipend only if funds are specifically appropriated for stipends under this program. However, private institutions are not required to match the amount of the stipend.

(6) Award recipients who elect to use the academic grant for courses at a public or private higher education institution in another state or country may receive an academic grant, provided the following additional criteria are met:

(a) The institution has an exchange program with a public or private higher education institution in Washington and the exchange program is approved or recognized by the higher education coordinating board; or

(b) The institution is approved or recognized by the higher education coordinating board; and

(c) The recipient of the Washington award for excellence in education (Christa McAuliffe) academic grant has submitted in writing to the higher education coordinating board an explanation of why the preferred course or courses are not available at a public or private institution in Washington.

[Statutory Authority: Chapters 28B.80 and 28A.625 RCW. 93-19-015, § 250-78-050, filed 9/2/93, effective 10/3/93. Statutory Authority: 1992 c 83, 1992 c 50 and chapters 28B.80 and 28A.625 RCW. 92-16-037, § 250-78-050, filed 7/30/92, effective 7/30/92. Statutory Authority: Chapter 28B.80 RCW and 1991 c 255. 91-20-070, § 250-78-050, filed 9/26/91, effective 10/27/91.]

**WAC 250-78-060 Management of funds.** (1) Disbursements of all grant and stipend funds are contingent upon appropriations. In the event that funds are insufficient to pay all eligible reimbursement claims submitted, disbursements will be issued to recipients on the following basis:

(a) Claims for reimbursement of eligible educational costs shall be paid, in order of receipt by the board, up to

the value remaining in the recipient's academic grant or stipend benefit, and to the extent of available funds.

(b) Claims for reimbursement of eligible educational costs which have not been paid in full shall become first priority for payment, in order of receipt by the board, up to the value remaining in the recipient's academic grant or stipend benefit, as funds become available to the program through:

(i) Supplemental moneys appropriated to the program for the current fiscal year; or

(ii) Funds appropriated to the program for the next fiscal year; or

(iii) Funds appropriated to the program for subsequent biennia.

(2) At the option of the board, the academic grant may be disbursed as a lump sum award or in incremental amounts on a term by term basis.

(3) Recipients who have not fully utilized their award benefit within the four year eligibility period shall forfeit the remaining value of their academic grant award.

[Statutory Authority: Chapters 28B.80 and 28A.625 RCW. 93-19-015, § 250-78-060, filed 9/2/93, effective 10/3/93. Statutory Authority: 1992 c 83, 1992 c 50 and chapters 28B.80 and 28A.625 RCW. 92-16-037, § 250-78-060, filed 7/30/92, effective 7/30/92. Statutory Authority: Chapter 28B.80 RCW and 1991 c 255. 91-20-070, § 250-78-060, filed 9/26/91, effective 10/27/91.]

## Title 251 WAC

### HIGHER EDUCATION PERSONNEL BOARD

#### Chapters

<b>251-04</b>	<b>General provisions.</b>
<b>251-06</b>	<b>Classification.</b>
<b>251-08</b>	<b>Compensation.</b>
<b>251-10</b>	<b>Resignation—Layoff—Separation.</b>
<b>251-12</b>	<b>Appeals.</b>
<b>251-17</b>	<b>Recruitment—Examination.</b>
<b>251-18</b>	<b>Certification.</b>
<b>251-19</b>	<b>Appointment.</b>
<b>251-22</b>	<b>Holidays—Leave.</b>

#### Chapter 251-04 WAC

##### GENERAL PROVISIONS

#### WAC

251-04-030	Scope.
251-04-040	Exemptions.
251-04-050	Higher education personnel board.

**WAC 251-04-030 Scope.** The provisions of these rules shall apply to all personnel of the higher education institutions/related boards except those exempted under the provisions of WAC 251-04-040. These rules and the compensation and classification plans adopted hereunder shall continue to apply as before and shall not be used interchangeably with those adopted by the former state

personnel board. Further, these rules and compensation and classification plans shall continue to apply as before until such time as the Washington personnel resources board has had adequate time to review and consider changes to the existing rules and plans.

[Statutory Authority: RCW 41.06.040 and 41.06.150. 93-19-147 (Order 432), § 251-04-030, filed 9/22/93, effective 10/23/93; Order 61, § 251-04-030, filed 8/30/77, effective 10/1/77; Order 1, § 251-04-030, filed 9/15/69.]

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

(1) Members of the governing board of each institution/related board; all presidents, vice-presidents and their confidential secretaries, administrative and personal assistants; deans, directors, and chairs; academic personnel; executive heads of major administrative or academic divisions employed by institutions of higher education; principal assistants to executive heads of major administrative or academic divisions; other managerial or professional employees in an institution or related board having substantial responsibility for directing or controlling program operations and accountable for allocation of resources and program results, or for the formulation of institutional policy, or for carrying out personnel administration or labor relations functions, legislative relations, public information, development, senior computer systems and network programming, or internal audits and investigations; and any employee of a community college district whose place of work is one which is physically located outside the state of Washington and who is employed pursuant to RCW 28B.50.092 and assigned to an educational program operating outside of the state of Washington.

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

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

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

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

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

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

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

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

(5) Persons employed to work one thousand fifty hours or less in any twelve consecutive month period from the original date of hire or October 1, 1989, whichever is later. Such an appointment may be subject to remedial action in accordance with WAC 251-12-600, if the number of hours worked exceeds one thousand fifty hours in any twelve

consecutive month period from the original date of hire or October 1, 1989, whichever is later, exclusive of overtime or work time as described in subsection (2) of this section.

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

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

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

(9) The governing board of each institution/related board may also exempt from this chapter, subject to the employee's right of appeal to the higher education personnel board, classifications involving research activities, counseling of students, extension or continuing education activities, graphic arts or publications activities requiring prescribed academic preparation or special training, as determined by the higher education personnel board: *Provided*, That no nonacademic employee engaged in office, clerical, maintenance, or food and trades services may be exempted by the higher education personnel board under this provision.

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

(11) Any classified employee having civil service status in a classified position who accepts an appointment in an exempt position shall have the right of reversion to the highest class of position previously held, or to a position of similar nature and salary. Application for return to classified service must be made not later than thirty calendar days following the conclusion of the exempt appointment. A person occupying an exempt position who is terminated from the position for gross misconduct or malfeasance does not have the right of reversion to a classified position as provided for in this section.

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

(13) All employees of a bargaining unit which is recognized as exempt as provided in RCW 41.56.201.

[Statutory Authority: RCW 41.06.040 and 41.06.150. 94-02-031, § 251-04-040, filed 12/29/93, effective 2/1/94; 93-19-147 (Order 432), § 251-04-040, filed 9/22/93, effective 10/23/93. Statutory Authority: RCW 28B.16.100. 90-17-037, § 251-04-040, filed 8/10/90, effective 10/1/90; 90-06-023, § 251-04-040, filed 2/28/90, effective 4/1/90. Statutory Authority: RCW 28B.16.100, 28B.16.040(2) and 70.24.300. 90-01-007, § 251-04-040, filed 12/7/89, effective 1/7/90. Statutory Authority: RCW 28B.16.100. 89-13-074 (Order 179), § 251-04-040, filed 6/21/89, effective 10/1/89; 88-15-023 (Order 170), § 251-04-040, filed 7/12/88; 88-02-017 (Order 164), § 251-04-040, filed 12/30/87, effective 2/1/88; 87-02-036 (Order 154), § 251-04-040, filed 1/2/87, effective 2/1/87; 84-16-067 (Order 119), § 251-04-040, filed 7/31/84; 82-16-002 (Order 98), § 251-04-040, filed 7/22/82, effective 9/1/82; 82-04-069 (Order 93), § 251-04-040, filed 2/3/82; 78-10-090 (Order 70), § 251-04-040, filed 9/29/78, effective 11/1/78; Order 64, § 251-04-040, filed 12/23/77, effective 1/23/78; Order 63, § 251-04-040, filed 11/22/77, effective 12/22/77; Order 61, § 251-04-040, filed 8/30/77, effective 10/1/77; Order 10, § 251-04-040, filed 12/16/71; Order 4, § 251-04-040, filed 2/19/71; Order 1, § 251-04-040, filed 9/15/69.]

**WAC 251-04-050 Higher education personnel board.** (1) The higher education personnel board is composed of three members appointed by the governor, subject to confirmation by the senate. Each odd-numbered year the governor shall appoint a member for a six-year term. Persons so appointed shall have clearly demonstrated an interest and belief in the merit principle, shall not hold any other employment with the state, shall not have been an officer of a political party for a period of one year immediately prior to such appointment, and shall not be or become a candidate for partisan elective public office during the term to which they are appointed.

(2) Each member of the board is eligible to receive compensation in an amount not to exceed one hundred dollars for each day during which the member attends an official meeting of the board or performs statutorily prescribed duties approved by the chairperson of the board. The members of the board may receive any number of daily payments for official meetings of the board actually attended. Members of the board shall also be reimbursed for necessary travel and other expenses incurred in the discharge of their official duties on the same basis as is provided for state officers and employees generally, in accordance with RCW 43.03.050 and 43.03.060.

(3) At its first meeting following the appointment of all its members, and annually thereafter, the board shall elect a chairman and vice chairman from among its members to serve one year. The presence of at least two members of the board shall constitute a quorum to transact business. A written public record shall be kept by the board of all actions of the board.

(4) In the necessary conduct of its work, the board shall meet monthly unless there is no pending business requiring board action. Meetings shall be held on campuses of the various state institutions of higher education. Meetings may be called by the chairman of the board, or a majority of the members of the board. Hearings may be conducted by a hearing officer duly appointed by the board. An official notice of the calling of a hearing shall be filed with the director and all members of the board shall be notified.

(5) No release of material, or statement of findings shall be made except with the approval of a majority of the board.

(6) In the conduct of hearings or investigations, a member of the board, or the director, or the hearing officer appointed to conduct the hearing, may administer oaths.

(7) It shall be the duty of the board to promulgate rules and regulations providing for employee participation in the development and administration of personnel policies. To assure this right, personnel policies, rules, classification and pay plans, and amendments thereto, shall be acted on only after the board has given twenty calendar days' notice to, and considered proposals from employee representatives and institutions/related boards affected. In matters involving the various state community colleges, notice shall also be given to the state board for community college education. Complete and current compilations of all rules and regulations of the board in printed, mimeographed, or multigraphed form shall be available from the board without charge.

(8) The higher education personnel board shall adopt rules, consistent with the purposes and provisions of this chapter and with the best standards of personnel administration, regarding the basis and procedures to be followed for

the dismissal, suspension, or demotion of an employee, and appeals therefrom; certification of names for vacancies, including promotions, with the number of names equal to six more names than there are vacancies to be filled, such names representing applicants rated highest on eligibility lists; examination for all positions in the competitive and noncompetitive service; appointments; probationary periods of six to twelve months and rejections therein depending on the job requirements of the class; transfers; sick leaves and vacations; hours of work; layoffs when necessary and subsequent reemployment according to seniority; determination of appropriate bargaining units within any institution or related board: *Provided*, That in making such determination the board shall consider the duties, skills, and working conditions of the employees, the history of collective bargaining by the employees and their bargaining representatives, the extent of organization among the employees and the desires of the employees; certification and decertification of exclusive bargaining representatives; agreements between institutions or related boards and certified exclusive bargaining representatives providing for grievance procedures and collective negotiations on all personnel matters over which the institution/related board may lawfully exercise discretion; written agreements may contain provisions for payroll deductions of employee organization dues upon authorization by the employee member and for the cancellation of such payroll deduction by the filing of a proper prior notice by the employee with the appointing authority and the employee organization: *Provided*, That nothing contained herein permits or grants to any employee the right to strike or refuse to perform his/her official duties; adoption and revision of comprehensive classification plans for all positions in the classified service, based on investigation and analysis of the duties and responsibilities of each such position: *Provided, However* That beginning July 1, 1993 through June 30, 1995, the board shall not adopt classification revisions or class studies unless the implementation of the proposed revision or study will result in net cost savings, increased efficiencies, or improved management of personnel services, and the proposed revision or study has been approved by the director of financial management in accordance with chapter 43.88 RCW; allocation and reallocation of positions within the classification plans; adoption and revision of salary schedules and compensation plans as provided in chapter 251-08 WAC; training programs including in-service, promotional, and supervisory; increment increases within the series of steps for each pay grade: *Provided, However*, That beginning July 1, 1993 through June 30, 1995, increment increases shall not be provided to any classified or exempt employees under the jurisdiction of the board whose monthly salary on or after July 1, 1993 exceed \$3,750; and veteran's preference as provided by existing statutes.

(9) After consultation with institution heads, employee organizations, and other interested parties, the board shall develop standardized employee performance evaluation procedures and forms which shall be used by institutions of higher education for the appraisal of employee job performance at least annually. These procedures shall include means whereby individual institutions may supplement the standardized evaluation process with special performance factors peculiar to specific organizational needs. This

evaluation procedure shall place primary emphasis on recording how well the employee has contributed to efficiency, effectiveness, and economy in fulfilling institution and job objectives.

[Statutory Authority: RCW 41.06.040 and 41.06.150. 93-19-147 (Order 432), § 251-04-050, filed 9/22/93, effective 10/23/93. Statutory Authority: RCW 28B.16.100. 86-09-077 (Order 149), § 251-04-050, filed 4/22/86, effective 6/1/86. Statutory Authority: Chapter 28B.16 RCW. 85-20-048 (Order 135), § 251-04-050, filed 9/25/85, effective 11/1/85. Statutory Authority: RCW 28B.16.100. 84-12-047 (Order 117), § 251-04-050, filed 6/1/84; 82-16-002 (Order 98), § 251-04-050, filed 7/22/82, effective 9/1/82; Order 61, § 251-04-050, filed 8/30/77, effective 10/1/77; Order 1, § 251-04-050, filed 9/15/69.]

## Chapter 251-06 WAC CLASSIFICATION

### WAC

251-06-020 Classification plan—Adoption.

#### WAC 251-06-020 Classification plan—Adoption.

The proposed classification plan and any subsequent proposed revisions thereto shall be submitted to the board by the director for adoption, revision or rejection. After twenty calendar days' notice to and consideration of proposals from employee representatives, institutions, and related boards, the board shall hold open hearings on the plan. The plan shall become effective as determined by the board. However, beginning July 1, 1993 through June 30, 1995, the board shall not adopt job classification revisions or class studies unless the implementation of the proposed revision or study will result in net cost savings, increased efficiencies, or improved management of personnel or services, and the proposed revision or study has been approved by the director of financial management in accordance with chapter 43.88 RCW. Thereafter, class titles so established shall be used in all personnel and financial records of an institution and in all recruitment and examination procedures.

[Statutory Authority: RCW 41.06.040 and 41.06.150. 93-19-147 (Order 432), § 251-06-020, filed 9/22/93, effective 10/23/93; Order 61, § 251-06-020, filed 8/30/77, effective 10/1/77; Order 1, § 251-06-020, filed 9/15/69.]

## Chapter 251-08 WAC COMPENSATION

### WAC

251-08-005 Compensation plans—General.  
251-08-090 Salary—Periodic increment.

#### WAC 251-08-005 Compensation plans—General.

The director shall prepare, and subject to board approval shall periodically revise in a manner consistent with the development of the original plan, compensation plans for all classes. The plans shall provide for:

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

(2) Regular salary increment increases based upon length of service for all employees whose performance is such as to permit them to retain job status in the classified service: *Provided, However*, That beginning July 1, 1993 through June 30, 1995, increment increases shall not be

provided to any classified or exempt employees under the jurisdiction of the board whose monthly salary on or after July 1, 1993 exceeds \$3,750.

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

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

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

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

[Statutory Authority: RCW 41.06.040 and 41.06.150. 93-19-147 (Order 432), § 251-08-005, filed 9/22/93, effective 10/23/93. Statutory Authority: RCW 28B.16.100. 87-08-056 (Order 155), § 251-08-005, filed 4/1/87, effective 5/1/87; Order 61, § 251-08-005, filed 8/30/77, effective 10/1/77.]

#### WAC 251-08-090 Salary—Periodic increment. (1)

Employees whose performance permits them to retain job status in the classified service shall receive periodic increments within the steps of the salary range. The salary of each employee shall be increased two steps on the periodic increment date and annually thereafter on the periodic increment date, not to exceed the maximum step of the range. An exception to the two step movement on the periodic increment date are those employees who occupy classes included in the higher education personnel board locality special pay plan per WAC 251-09-090 which applies only to University of Washington hospitals. The salary of each employee under this plan shall be increased as specified in the higher education personnel board hospital special pay plan.

(2) When the periodic increment date falls on the same effective date as another salary action, the periodic increment shall be applied prior to, and in addition to, any other action resulting in a salary increase or decrease.

(3) However, beginning July 1, 1993 through June 30, 1995, increment increases shall not be provided to any classified employees under the jurisdiction of the board whose monthly salary on or after July 1, 1993 exceeds \$3,750.

[Statutory Authority: RCW 41.06.040 and 41.06.150. 93-19-147 (Order 432), § 251-08-090, filed 9/22/93, effective 10/23/93. Statutory Authority: RCW 28B.16.100. 91-16-054, § 251-08-090, filed 8/1/91, effective 9/1/91; 85-20-049 (Order 136), § 251-08-090, filed 9/25/85; 84-16-067 (Order 119), § 251-08-090, filed 7/31/84; Order 61, § 251-08-090, filed 8/30/77, effective 10/1/77; Order 18, § 251-08-090, filed 10/25/72, effective 7/1/73; Order 1, § 251-08-090, filed 9/15/69.]

## Chapter 251-10 WAC RESIGNATION—LAYOFF—SEPARATION

### WAC

251-10-060 Layoff lists—State-wide.  
251-10-061 Layoff list—State-wide—Additional certification.

**WAC 251-10-060 Layoff lists—State-wide.** (1) A permanent employee of any institution of higher education, related board, or state agency who is on layoff status or is scheduled for layoff shall, upon his/her request, be placed on the state-wide layoff list(s) at any higher education institutions or related boards: *Provided, That:*

(a) The employee must demonstrate the ability to meet the minimum qualifications and pass the qualifying examination; and

(b) The list must be for:

(i) Class(es) in which he/she has held permanent status;

or

(ii) Lower class(es) in the same class series; or

(iii) Equivalent classes under the jurisdiction of the state department of personnel; or

(iv) Class(es) at the same or lower level as the class from which laid off and in which permanent status has not been held; and

(c) The option must be exercised by the affected employee within thirty calendar days of the effective date of layoff.

(2) Employees shall be ranked by their total layoff seniority as measured by their last period of unbroken service in the classified service of the state. The list shall consist of two categories, provided that, employees who have held permanent status in the class or in higher level classes in the series shall be certified prior to employees who have not held permanent status, and certification within each category shall be in order of:

(a) Employees of higher education institutions/related boards;

(b) Employees of other state agencies.

(3) The duration of eligibility on this list shall be two years from the date of placement on the list.

(4) Referral from this list shall be on a rule of five.

(5) Employees appointed from this list shall be required to serve a trial service period of six months. If the trial service period is not satisfactorily completed, the employee shall be placed on the institution-wide layoff list at the institution/related board from which he/she came or the corresponding state agency department of personnel register. Failure to satisfactorily complete the trial service period shall not affect the employees' status on other state-wide layoff lists upon which they previously have been placed.

(6) Employees appointed from this list shall be credited with unused sick leave accrued at the time of layoff. Vacation leave shall be computed as provided in WAC 251-22-060.

(7) The institution will provide each employee scheduled for layoff with a copy of this rule and the comparable state department of personnel rule and a listing of institutions, related boards, or offices of the state department of personnel which they may contact. It shall be the responsibility of the employee to contact the institution/related board, or the state department of personnel if he/she has an interest in being placed on the respective state-wide layoff list(s).

(8) Certification from the state-wide layoff list shall be as provided in WAC 251-18-240.

[Statutory Authority: RCW 41.06.040 and 41.06.150. 93-19-078, § 251-10-060, filed 9/14/93, effective 10/1/93. Statutory Authority: RCW 28B.16.100. 83-20-020 (Order 108), § 251-10-060, filed 9/23/83, effective 10/24/83; 82-16-002 (Order 98), § 251-10-060, filed 7/22/82, effective

9/1/82; 78-10-090 (Order 70), § 251-10-060, filed 9/29/78, effective 11/1/78; Order 61, § 251-10-060, filed 8/30/77, effective 10/1/77; Order 32, § 251-10-060, filed 3/19/74.]

**WAC 251-10-061 Layoff list—State-wide—Additional certification.** When the certification process per WAC 251-18-240 does not provide the names of at least three eligibles from the state-wide layoff list, the personnel officer shall certify from the state-wide layoff list up to three additional eligibles, provided that all higher lists have been exhausted. Such additional certification(s) shall be made in strict order of standing on the eligible list. Certification of additional eligibles shall not result in more than a total of three eligibles from the state-wide layoff list.

[Statutory Authority: RCW 41.06.040 and 41.06.150. 93-19-078, § 251-10-061, filed 9/14/93, effective 10/1/93.]

## Chapter 251-12 WAC APPEALS

### WAC

251-12-240	Burden of proof.
251-12-290	Superior court appeals—Preparation of record—Time limitations—Cost.

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

(2) The appellant and/or the appellant's representative shall have the burden of proof in all other matters on appeal, including, but not limited to appeals from allocation.

(3) The party filing the exceptions shall have the burden of proof of demonstrating that the recommended decision or determination is in error at any hearing on exceptions.

[Statutory Authority: RCW 28B.16.100. 93-06-033, § 251-12-240, filed 2/23/93, effective 4/1/93; 88-02-017 (Order 164), § 251-12-240, filed 12/30/87, effective 2/1/88; 87-02-036 (Order 154), § 251-12-240, filed 1/2/87, effective 2/1/87; 84-16-067 (Order 119), § 251-12-240, filed 7/31/84; 81-18-039 (Order 90), § 251-12-240, filed 8/28/81, effective 10/1/81; 78-06-068 (Order 68), § 251-12-240, filed 5/25/78, effective 7/1/78; Order 61, § 251-12-240, filed 8/30/77, effective 10/1/77; Order 1, § 251-12-240, filed 9/15/69.]

**WAC 251-12-290 Superior court appeals—Preparation of record—Time limitations—Cost.** Within thirty calendar days after service of the notice of appeal to the superior court in cases of suspensions, reductions, dismissals, or demotions or within such further time as the superior court may allow, the board shall transmit to the court a certified record, with exhibits, of the hearing; but by stipulation between the employing institution or related board and the employee the record may be shortened, and either party unreasonably refusing to stipulate to such limitation may be ordered by the court to pay the additional cost involved. The superior court may require or permit subsequent corrections or additions to the record.

[Statutory Authority: RCW 28B.16.100. 93-06-033, § 251-12-290, filed 2/23/93, effective 4/1/93; Order 61, § 251-12-290, filed 8/30/77, effective 10/1/77; Order 31, § 251-12-290, filed 2/22/74; Order 1, § 251-12-290, filed 9/15/69.]

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

**WAC**

251-17-090 Examination—Eligibility.

**WAC 251-17-090 Examination—Eligibility.** (1)

Open-competitive examinations shall be open to all persons who apply according to the provisions of these rules and meet the minimum qualifications for the class.

(2) Promotional examinations shall be limited to those current permanent employees of the classified service at the institution, and those former permanent employees of the institution seeking to return from separation pursuant to WAC 251-10-080, who apply according to the provisions of these rules and meet the minimum qualifications for the class. The personnel officer may open promotional examinations on either an organizational unit or institution-wide basis, whichever the personnel officer determines to be in the interest of the service.

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

(4) The personnel officer may add members of underutilized groups to all eligible lists, except layoff lists, at anytime in accordance with the institution's affirmative action program as provided in WAC 251-23-040 (7)(b), provided such persons pass the examination for the class. The personnel officer shall also add the names of those former permanent employees of the institution seeking to return from separation pursuant to WAC 251-10-080 to all eligible lists at any time, provided such persons pass the examination for the class.

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

(6) The personnel officer may add to the institution-wide promotional list at any time:

(a) Current employees on layoff status or scheduled for layoff;

(b) Former employees laid off from the institution per WAC 251-10-030 who are on an institution-wide layoff list.

However, persons covered in (a) and (b) of this subsection meet the minimum qualifications and pass the examination for the class.

[Statutory Authority: RCW 41.06.040 and 41.06.150. 93-19-078, § 251-17-090, filed 9/14/93, effective 10/1/93. Statutory Authority: RCW 28B.16.100. 89-08-003 (Order 176), § 251-17-090, filed 3/23/89, effective 5/1/89; 88-02-018 (Order 165), § 251-17-090, filed 12/30/87, effective 2/1/88.]

**Chapter 251-18 WAC**  
**CERTIFICATION**

**WAC**

251-18-180	Eligible lists—Definition—Composition.
251-18-190	Eligible lists—Duration.
251-18-240	Certification—Method.
251-18-260	Certification—Incomplete.
251-18-280	Certification—Selection—Actions required.

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

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

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

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

(2) **Organizational unit promotional lists** shall contain the names of all permanent employees of the organizational unit for which the list is established who have passed the examination for the class. This list shall also contain the names of former employees separated from the organizational unit per WAC 251-10-070 who have submitted an application for reemployment pursuant to WAC 251-10-080 and who have passed the examination for the class, provided that during their previous employment with the institution they were not demoted for disciplinary reasons, reverted, or dismissed from the class. This list shall be ranked in order of their final examination scores.

(3) **Institution-wide promotional lists** shall contain the names of all permanent employees of the institution who have passed the examination for the class. This list shall also contain the names of:

(a) Former employees separated from the institution per WAC 251-10-070 who have submitted an application for reemployment pursuant to WAC 251-10-080 and who have passed the examination for the class, provided that during their previous employment with the institution they were not demoted for disciplinary reasons, reverted, or dismissed from the class. This list shall be ranked in order of their final examination scores.

(b) Former employees laid off from the institution per WAC 251-10-030, who are on an institution-wide layoff list.

Persons appointed under (b) of this subsection shall serve a trial service period of six months. If the trial service period is not satisfactorily completed, the employee shall be returned to the position and/or status held immediately prior to the appointment.

(4) **Special employment program layoff lists** shall contain the names of permanent employees of the institution laid off, scheduled for layoff or removed from service within a class due to layoff conditions in special employment programs as provided in WAC 251-10-035 ranked in order of layoff seniority.



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

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

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

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

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

(10) For positions assigned to EEO-6 categories executive, administrative, managerial, and professional nonfaculty, the personnel officer may combine the organizational unit promotional list, the institution-wide promotional list, the special employment program layoff list, the interinstitutional employee list, the intersystem employee list, the state-wide layoff list, and the open competitive list into a single eligible list:

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

(b) The combined list shall contain the names of eligibles ranked in order of their final examination scores. Permanent employees of the institution and former permanent employees eligible to return to work pursuant to WAC 251-10-080 shall have a five percent credit added to their final passing scores.

[Statutory Authority: RCW 41.06.040 and 41.06.150. 93-19-078, § 251-18-180, filed 9/14/93, effective 10/1/93. Statutory Authority: RCW 28B.16.100. 92-05-034, § 251-18-180, filed 2/11/92, effective 4/1/92; 89-08-003 (Order 176), § 251-18-180, filed 3/23/89, effective 5/1/89; 88-02-018 (Order 165), § 251-18-180, filed 12/30/87, effective 2/1/88; 86-03-081 (Order 143), § 251-18-180, filed 1/22/86, effective 3/1/86; 84-16-067 (Order 119), § 251-18-180, filed 7/31/84; 84-10-056 (Order 115), § 251-18-180, filed 5/2/84; 84-08-032 (Order 113), § 251-18-180, filed 3/30/84, effective 5/1/84; 84-02-042 (Order 110), § 251-18-180, filed 12/30/83, effective 2/1/84; Order 61, § 251-18-180, filed 8/30/77, effective 10/1/77; Order 46, § 251-18-180, filed 9/19/75; Order 44, § 251-18-180, filed 6/25/75; Order 32, § 251-18-180, filed 3/19/74; Order 21, § 251-18-180, filed 5/24/73; Order 12, § 251-18-180, filed 5/23/72, effective 6/25/72; Order 8, § 251-18-180, filed 6/17/71, effective 7/19/71; Order 6, § 251-18-180, filed 4/21/71, effective 5/25/71; Order 4, § 251-18-180, filed 2/19/71.]

**WAC 251-18-190 Eligible lists—Duration.** (1) The duration of eligibility on a list begins the date the name is placed on the list and ends as follows:

(a) After two years on an institution-wide layoff list or state-wide layoff list;

(b) After one year on an organizational unit or institution-wide promotional list, special employment program layoff list, interinstitutional employee list or intersystem employee list;

(c) After six months on an open competitive or noncompetitive list.

(2) Prior to the original expiration date of a name on an institution-wide layoff list, an organizational unit promotional list, an institution-wide promotional list, a special employment program layoff list, an interinstitutional employee list, or an intersystem employee list, the eligible shall be notified of the expiration and given the opportunity to extend eligibility for one additional year by written request to the personnel officer.

(3) The personnel officer may extend an entire eligible list for the following periods:

(a) Six months for open competitive and noncompetitive lists;

(b) One year for all other lists.

(4) The personnel officer shall cancel the entire eligible list when the class or examination has been changed to the degree that the list would be invalid. All affected eligibles shall be notified of the cancellation.

[Statutory Authority: RCW 41.06.040 and 41.06.150. 93-19-078, § 251-18-190, filed 9/14/93, effective 10/1/93. Statutory Authority: RCW 28B.16.100. 85-04-019 (Order 123), § 251-18-190, filed 1/30/85; 84-10-056 (Order 115), § 251-18-190, filed 5/2/84; Order 61, § 251-18-190, filed 8/30/77, effective 10/1/77; Order 32, § 251-18-190, filed 3/19/74; Order 21, § 251-18-190, filed 5/24/73; Order 4, § 251-18-190, filed 2/19/71.]

**WAC 251-18-240 Certification—Method.** (1) Upon receipt of a personnel request, the personnel officer shall provide the following number of names to the employing official in writing:

(a) When there are names on the institution-wide layoff list for the class, a single name for each vacancy to be filled by the certification.

(b) When there are no names on the institution-wide layoff list for the class, six more names than there are vacancies to be filled by the certification, provided that:

(i) When other applicants on the eligible list in use have scores equal to the lowest score among the names certified, their names shall be certified; and

(ii) Up to three additional names of eligibles who meet the applicable affirmative action criteria shall be certified as provided in WAC 251-23-060.

(iii) Up to three additional names of eligibles from the state-wide layoff list per WAC 251-10-061, provided that all higher lists have been exhausted.

(2) Names shall be certified in strict order of standing on the eligible list(s) as established in WAC 251-18-180.

(3) When it is necessary to use more than one eligible list to complete a certification, each eligible list must be exhausted before progressing to the next eligible list. Eligible lists shall be used for filling classified vacancies in the strict order of priority listed below:

(a) Unless the personnel officer has established a combined eligible list in accordance with WAC 251-18-180(10):

(i) Institution-wide layoff list;

(ii) Organizational unit promotional list;

(iii) Institution-wide promotional list;

(iv) Special employment program layoff list;

(v) State-wide layoff list;

(vi) Interinstitutional employee list;

(vii) Intersystem employee list;

(viii) Open competitive or noncompetitive list.  
 (b) When the personnel officer has established a combined eligible list:

- (i) Institution-wide layoff list;
- (ii) Combined eligible list.

(4) Permanent employees certified from an eligible list for consideration of appointment shall be notified by the institution at the time of referral. Upon appointment, the institution shall advise those employees certified but not appointed of the action taken.

[Statutory Authority: RCW 41.06.040 and 41.06.150. 93-19-147 (Order 432), § 251-18-240, filed 9/22/93, effective 10/23/93. Statutory Authority: RCW 28B.16.100. 90-17-037, § 251-18-240, filed 8/10/90, effective 10/1/90; 86-06-034 (Order 145), § 251-18-240, filed 2/28/86, effective 4/1/86; 85-16-038 (Order 134), § 251-18-240, filed 7/31/85, effective 9/1/85; 84-16-067 (Order 119), § 251-18-240, filed 7/31/84; 84-10-056 (Order 115), § 251-18-240, filed 5/2/84; 82-16-002 (Order 98), § 251-18-240, filed 7/22/82, effective 9/1/82; 78-02-094 (Order 65), § 251-18-240, filed 1/30/78; Order 61, § 251-18-240, filed 8/30/77, effective 10/1/77; Order 57, § 251-18-240, filed 3/18/77, effective 4/18/77; Order 44, § 251-18-240, filed 6/25/75; Order 41, § 251-18-240, filed 3/17/75; Order 39, § 251-18-240, filed 12/24/74; Order 32, § 251-18-240, filed 3/19/74; Order 21, § 251-18-240, filed 5/24/73; Order 14, § 251-18-240, filed 6/18/72; Order 4, § 251-18-240, filed 2/19/71.]

**WAC 251-18-260 Certification—Incomplete.** When the number of names available for certification for a given vacancy is fewer than seven, the employing official may make an appointment from the certification or decline to do so.

[Statutory Authority: RCW 41.06.040 and 41.06.150. 93-19-147 (Order 432), § 251-18-260, filed 9/22/93, effective 10/23/93. Statutory Authority: RCW 28B.16.100. 84-10-056 (Order 115), § 251-18-260, filed 5/2/84; 82-16-002 (Order 98), § 251-18-260, filed 7/22/82, effective 9/1/82; 78-06-068 (Order 68), § 251-18-260, filed 5/25/78, effective 7/1/78; Order 61, § 251-18-260, filed 8/30/77, effective 10/1/77; Order 3, § 251-18-260, filed 1/15/71.]

**WAC 251-18-280 Certification—Selection—Actions required.** (1) The employing official shall consider all eligibles certified.

(2) Following certification and consideration of eligibles, the personnel officer shall record one of the following dispositions of the employing official for each name certified:

- (a) Eligible was considered but not appointed;
- (b) Eligible waived consideration for the position;
- (c) Eligible could not be contacted or failed to appear for an interview; or
- (d) Eligible was appointed to the position.

(3) When the number of certified eligibles available is reduced to less than six more than there are positions to be filled, upon request from the employing official the personnel officer may provide a replacement name for each eligible who has waived consideration, been determined to be unavailable, or did not appear for the scheduled interview.

[Statutory Authority: RCW 41.06.040 and 41.06.150. 93-19-147 (Order 432), § 251-18-280, filed 9/22/93, effective 10/23/93. Statutory Authority: RCW 28B.16.100. 90-17-037, § 251-18-280, filed 8/10/90, effective 10/1/90; 82-16-002 (Order 98), § 251-18-280, filed 7/22/82, effective 9/1/82; Order 61, § 251-18-280, filed 8/30/77, effective 10/1/77; Order 21, § 251-18-280, filed 5/24/73; Order 4, § 251-18-280, filed 2/19/71.]

## Chapter 251-19 WAC APPOINTMENT

### WAC

251-19-010	Returning employee provisions—Layoff.
251-19-060	Trial service period.
251-19-100	Transfer—Lateral movement—Voluntary demotion.

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

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

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

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

(4) The provisions of subsections (1), (2) and (3) of this section also shall apply to former employees appointed as follows:

(a) From an institution-wide promotional list per WAC 251-18-180 (3)(b);

(b) Through the institution's transfer/lateral movement/voluntary demotion procedure per WAC 251-19-100(3).

[Statutory Authority: RCW 41.06.040 and 41.06.150. 93-19-078, § 251-19-010, filed 9/14/93, effective 10/1/93. Statutory Authority: RCW 28B.16.100. 88-02-018 (Order 165), § 251-19-010, filed 12/30/87, effective 2/1/88.]

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

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

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

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

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

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

(3) A trial service period shall be required upon appointment from an institution-wide promotional list as provided in WAC 251-18-180 (3)(b).

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

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



opportunity to complete the first interrupted trial service period.

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

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

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

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

(b) A reasonable opportunity to overcome identified deficiencies.

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

(a) Whether the employer complied with the requirements of subsection (5)(a) and (b) of this section; and

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

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

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

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

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

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

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

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

[Statutory Authority: RCW 41.06.040 and 41.06.150. 93-19-078, § 251-19-060, filed 9/14/93, effective 10/1/93. Statutory Authority: RCW 28B.16.100. 88-02-018 (Order 165), § 251-19-060, filed 12/30/87, effective 2/1/88.]

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

(a) The action is by employee request; or

(b) The employee's position is being reallocated upward and the employee is not appointed to the reallocated position; or

(c) The personnel officer determines that the employee seeking the action is no longer able to perform in the current class due to a medically verified physical, mental, or sensory disability. An employee is eligible to apply for appointment to a position under the provisions of this subsection if the employee meets the minimum qualifications and is able to perform the work of the position as confirmed by medical verification which provides adequate guidance to the employer.

(2) Except as provided in subsection (1) of this section, permanent employees who wish to be considered for appointment to classes with an equal or lower salary range maximum than their current class must apply in accord with institutional procedure, meet the minimum qualifications, pass the examination and be placed on the appropriate eligible list for the class.

(3) Former employees laid off from the institution, per WAC 251-10-030, who are on an institution-wide layoff list, also shall be included in the procedures developed per subsections (1)(a) and (2) of this section.

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

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

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

[Statutory Authority: RCW 41.06.040 and 41.06.150. 93-19-078, § 251-19-100, filed 9/14/93, effective 10/1/93. Statutory Authority: RCW 28B.16.100. 89-13-075 (Order 180), § 251-19-100, filed 6/21/89, effective 8/1/89; 88-02-018 (Order 165), § 251-19-100, filed 12/30/87, effective 2/1/88.]

## Chapter 251-22 WAC HOLIDAYS—LEAVE

### WAC

251-22-116	Family and medical leave.
251-22-167	Disability leave.
251-22-195	Parental leave.
251-22-197	Family medical leave—Serious health condition.
251-22-200	Leave of absence without pay.
251-22-215	Repealed.

### DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

251-22-215	Leave of absence without pay—Excepted work period. [Statutory Authority: Chapter 28B.16 RCW. 91-13-011, § 251-22-215, filed 6/7/91, effective 6/7/91.] Repealed by 93-06-032, filed 2/23/93, effective 4/1/93. Statutory Authority: RCW 28B.16.100.
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**WAC 251-22-116 Family and medical leave.** (1) Pursuant to the Federal Family and Medical Leave Act of 1993, eligible employees shall be entitled to a total of twelve workweeks of leave during any twelve-month period for one or more of the following:

(a) Disability leave;

(b) Parental leave;

(c) Family medical leave-serious health condition.

(2) Institutions may grant to an employee additional disability leave or parental leave as provided in WAC 251-22-167(11) and 251-22-195 (2)(a).

[Statutory Authority: RCW 28B.16.100 and Federal Family and Medical Leave Act of 1993. 93-14-115, § 251-22-116, filed 7/2/93, effective 8/5/93.]

**WAC 251-22-167 Disability leave.** (1) Disability leave shall be granted for a reasonable period to a permanent employee who is precluded from performing his/her job duties because of a disability (including those related to pregnancy or childbirth). Disability leave includes a serious health condition of the employee as provided in the federal Family and Medical Leave Act of 1993.

(2) An employee is entitled to a total of twelve workweeks for disability leave, parental leave, and family medical leave-serious health condition during any twelve-month period as provided in WAC 251-22-116.

(3) In any case in which the necessity for leave is foreseeable based on planned medical treatment, the employee shall provide not less than thirty days' notice, except that if the treatment requires leave to begin in less than thirty days, the employee shall provide such notice as is practicable.

(4) The disability and recovery period shall be as defined and certified by the employee's licensed health care provider. The employee shall provide, in a timely manner, a copy of such certification to the employer.

(5) Certification provided under this section shall be sufficient if it states:

- (a) The date on which the condition commenced;
- (b) The probable duration of the condition;
- (c) The appropriate medical facts within the knowledge of the health care provider regarding the condition;
- (d) A statement that the employee is unable to perform the essential functions of his/her position.

(6) The employer may require, at its expense, that the employee obtain the opinion of a second health care provider designated or approved by the employer. The health care provider shall not be employed on a regular basis by the employer.

(7) In any case in which the second opinion differs from the original certification, the employer may require, at its expense, that the employee obtain the opinion of a third health care provider designated or approved jointly by the employer and the employee. The opinion of the third health care provider shall be final and binding.

(8) The employer may require that the employee obtain subsequent recertifications on a reasonable basis.

(9) Disability leave may be a combination of sick leave, vacation leave, personal holiday, compensatory time, and leave of absence without pay and shall be granted at the written request of the employee. The combination and use of paid and unpaid leave during a disability leave shall be per the choice of the employee.

(10) The institution shall maintain health care coverage during disability leave granted under the provisions of WAC 251-22-116, in accordance with the requirements of the public employees' benefits board. As specified in the federal Family and Medical Leave Act of 1993, the institution may recover the premium for maintaining coverage

during the period of unpaid disability leave if the employee does not return to work.

(11) If necessary due to continued disability, the employee shall be allowed to use eight hours of accrued paid leave per month for up to four months, including the twelve workweeks provided in WAC 251-22-116, to provide for continuation of benefits as provided by the public employees' benefits board. The employer shall designate on which day of each month the eight hours paid leave will be used.

[Statutory Authority: RCW 28B.16.100 and Federal Family and Medical Leave Act of 1993. 93-16-061 and 93-14-115, § 251-22-167, filed 7/29/93 and 7/2/93, effective 8/5/93. Statutory Authority: RCW 28B.16.100. 87-20-025 (Order 161), § 251-22-167, filed 9/30/87.]

**WAC 251-22-195 Parental leave.** (1) Parental leave shall be granted to a permanent employee because of the birth of a child of the employee and in order to provide care, or because of the placement of a child with the employee for adoption or foster care.

(2) An employee is entitled to a total of twelve workweeks for disability leave, parental leave, and family medical leave-serious health condition during any twelve-month period as provided in WAC 251-22-116.

(a) Parental leave shall not total more than four months, including the twelve workweeks provided in WAC 251-22-116, unless additional time is granted by the personnel officer.

(b) Requests for up to four months of parental leave that exceed the provisions of WAC 251-22-116 may be denied on the basis of operational necessity.

(c) Parental leave must be taken during the first year following the child's birth or placement of the child with the employee for adoption or foster care.

(3) The employee shall submit a written request for parental leave to the employing official or designee and must receive the approval of both the employing official and the personnel officer.

(a) The employee shall provide not less than thirty days' notice, except that if the child's birth or placement requires leave to begin in less than thirty days, the employee shall provide notice as is practicable.

(b) Within ten working days of the receipt of the request, the institution shall provide the employee with a written response and, if the leave is denied, rationale supporting the operational necessity and the notice of the employee's right to appeal per WAC 251-12-076.

(4) Parental leave may be a combination of vacation leave, personal holiday, compensatory time, and leave of absence without pay. The combination and use of paid and unpaid leave during a parental leave shall be per choice of the employee.

(5) The institution shall maintain health care coverage during parental leave granted under the provisions of WAC 251-22-116, in accordance with the requirements of the public employees' benefits board. As specified in the federal Family and Medical Leave Act of 1993, the institution may recover the premium for maintaining coverage during the period of unpaid parental leave if the employee does not return to work.

(6) If necessary due to continued approved parental leave, the employee shall be allowed to use eight hours per month of the accrued paid leave identified in subsection (4) of this section for up to four months, including the twelve workweeks provided in WAC 251-22-116, during a parental leave of absence without pay to provide for continuation of benefits as provided by the public employees' benefits board. The employer shall designate on which day of each month the eight hours paid leave will be used.

[Statutory Authority: RCW 28B.16.100 and Federal Family and Medical Leave Act of 1993. 93-16-061 and 93-14-115, § 251-22-195, filed 7/29/93 and 7/2/93, effective 8/5/93. Statutory Authority: RCW 28B.16.100. 87-20-025 (Order 161), § 251-22-195, filed 9/30/87.]

**WAC 251-22-197 Family medical leave—Serious health condition.** (1) Family medical leave-serious health condition shall be granted to an eligible employee pursuant to the federal Family and Medical Leave Act of 1993 in order to care for his/her spouse, child, or parent, if such person has a serious health condition.

(2) An eligible employee is entitled to a total of twelve workweeks for disability leave, parental leave, and family medical leave-serious health condition during any twelve-month period as provided in WAC 251-22-116.

(3) For purposes of this section, an eligible employee is one who has worked in the state classified service for at least twelve months, and for at least one thousand two hundred fifty hours during the previous twelve-month period.

(4) In any case in which the necessity for leave is foreseeable, based on planned medical treatment of the spouse, child, or parent, the employee shall provide not less than thirty days' notice, except that if the treatment requires leave to begin in less than thirty days, the employee shall provide such notice as is practicable.

(5) An employer may require that a request for such leave be supported by a certification issued by the health care provider of the spouse, child, or parent. The employee shall provide, in a timely manner, a copy of such certification to the employer.

(6) Certification provided under this section shall be sufficient if it states:

- (a) The date on which the serious health condition commenced;
- (b) The probable duration of the condition;
- (c) The appropriate medical facts within the knowledge of the health care provider regarding the condition;
- (d) A statement that the eligible employee is needed to care for the spouse, child, or parent and an estimate of the amount of time that such employee is needed to provide care.

(7) In any case in which the employer has reason to doubt the validity of the certification provided, the employer may require, at its expense, that the eligible employee obtain the opinion of a second health care provider designated or approved by the employer. The health care provider shall not be employed on a regular basis by the employer.

(8) In any case in which the second opinion differs from the original certification, the employer may require, at its expense, that the employee obtain the opinion of a third health care provider designated or approved jointly by the employer and the employee. The opinion of the third health care provider shall be final and binding.

(9) The employer may require that the employee obtain subsequent recertifications on a reasonable basis.

(10) The institution shall maintain health care coverage during family medical leave-serious health condition granted under the provisions of WAC 251-22-116, in accordance with the requirements of the public employees' benefits board. As specified in the federal Family and Medical Leave Act of 1993, the institution may recover the premium for maintaining coverage during the period of unpaid family medical leave-serious health condition if the employee does not return to work.

[Statutory Authority: RCW 28B.16.100 and Federal Family and Medical Leave Act of 1993. 93-14-115, § 251-22-197, filed 7/2/93, effective 8/5/93.]

**WAC 251-22-200 Leave of absence without pay.**

(1) Leave of absence without pay may be allowed for any of the following reasons:

- (a) Conditions applicable for leave with pay;
- (b) Disability leave;
- (c) Educational leave;
- (d) Leave for government service in the public interest;
- (e) Parental leave;
- (f) Child care emergencies;
- (g) To accommodate annual work schedules of employees occupying cyclic year positions as specified in WAC 251-19-130;
- (h) Family medical leave-serious health condition.

(2) Requests for leave of absence without pay must be submitted in writing to the employing official or designee and must receive the approval of both the employing official and the personnel officer.

(3) Leave of absence without pay extends from the time an employee's leave commences until he/she is scheduled to return to continuous service, unless at the employee's request the employing official and the personnel officer agree to an earlier date.

(4) Vacation leave and sick leave credits will not accrue during a leave of absence without pay which exceeds ten working days in any calendar month.

(5) A classified employee taking an appointment to an exempt position shall be granted a leave of absence without pay, with the right to return to his/her regular position, or to a like position at the conclusion of the exempt appointment; provided application for return to classified status must be made not more than thirty calendar days following the conclusion of the exempt appointment.

[Statutory Authority: RCW 28B.16.100 and Federal Family and Medical Leave Act of 1993. 93-14-115, § 251-22-200, filed 7/2/93, effective 8/5/93. Statutory Authority: RCW 28B.16.100. 87-20-025 (Order 161), § 251-22-200, filed 9/30/87; 87-14-051 (Order 156), § 251-22-200, filed 7/1/87, effective 8/1/87; 85-16-038 (Order 134), § 251-22-200, filed 7/31/85, effective 9/1/85; 84-12-047 (Order 117), § 251-22-200, filed 6/1/84; 83-20-020 (Order 108), § 251-22-200, filed 9/23/83, effective 10/24/83; 83-10-029 (Order 105), § 251-22-200, filed 4/29/83, effective 6/1/83; 82-16-002 (Order 98), § 251-22-200, filed 7/22/82, effective 9/1/82; 78-06-068 (Order 68), § 251-22-200, filed 5/25/78, effective 7/1/78; Order 61, § 251-22-200, filed 8/30/77, effective 10/1/77; Order 12, § 251-22-200, filed 5/23/72, effective 6/25/72; Order 3, § 251-22-200, filed 1/15/71.]

**WAC 251-22-215 Repealed.** See Disposition Table at beginning of this chapter.