

ted to the commission at the following address by the law enforcement agency that has jurisdiction where the accident occurred:

Washington State Parks and
Recreation Commission
Boating Programs
7150 Cleanwater Lane
P.O. Box 42654
Olympia, Washington 98504-2654

[Statutory Authority: RCW 43.51.400. 93-20-018, § 352-70-060, filed 9/24/93, effective 10/24/93; 84-01-060 (Order 73), § 352-70-060, filed 12/19/83.]

Title 356 WAC PERSONNEL, DEPARTMENT OF

Chapters

- 356-05** Definitions.
- 356-06** General provisions.
- 356-10** Classification.
- 356-14** Compensation plan.
- 356-15** Compensation plan appendix.
- 356-18** Leave.
- 356-22** Recruitment—Examinations.
- 356-26** Registers—Certification.
- 356-30** Appointments—Separations.
- 356-34** Disciplinary actions—Appeals.
- 356-35** Disability—Separation—Appeals—
Procedures.
- 356-47** Career executive program.
- 356-56** Washington management service.

Chapter 356-05 WAC DEFINITIONS

WAC

- 356-05-171 Family and medical leave.
- 356-05-214 Repealed.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

- 356-05-214 Manager. [Statutory Authority: RCW 41.06.040 and 41.06.150. 92-03-099 (Order 399), § 356-05-214, filed 1/17/92, effective 3/1/92.] Repealed by 93-22-082 (Order 432), filed 11/1/93, effective 12/2/93. Statutory Authority: Chapter 41.06 RCW and 41.06.150.

WAC 356-05-171 Family and medical leave. For compliance with the federal Family and Medical Leave Act of 1993, the first 12 workweeks of leave, for purposes of WAC 356-18-145, Leave without pay—Serious health conditions, and WAC 356-18-150, Leave—Newborn, adoptive, or foster child care—Provision, will be considered family and medical leave.

[Statutory Authority: RCW 41.06.040 and 41.06.150. 93-19-152 (Order 431), § 356-05-171, filed 9/22/93, effective 10/23/93.]

WAC 356-05-214 Repealed. See Disposition Table at beginning of this chapter.

Chapter 356-06 WAC GENERAL PROVISIONS

WAC

- 356-06-003 Scope.
- 356-06-080 Personnel board—Powers—Duties.

WAC 356-06-003 Scope. The provisions of these rules shall apply to all personnel under the jurisdiction of chapter 41.06 RCW except those exempted under the provisions of WAC 356-06-020. 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 under the former higher education civil service law (chapter 28B.16 RCW). 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), § 356-06-003, filed 9/22/93, effective 10/23/93.]

WAC 356-06-080 Personnel board—Powers—Duties. It shall be the responsibility of the personnel board to:

(1) Establish general policies for the administration of merit system examinations and the hearing of personnel appeals.

(2) Make rules and regulations providing for employee participation in the development and administration of personnel policies.

(3) Hear personnel appeals.

(4) Promote public understanding of the purposes, policies, and practices of the merit system.

(5) Adopt and promulgate rules and regulations consistent with the purposes and provisions of the state civil service law and with the best standards of personnel administration, regarding the basis and procedures to be followed for:

(a) The demotion, suspension, reduction in salary or dismissal of an employee and appeals therefrom.

(b) Certification of names for vacancies including departmental promotions.

(c) Examinations for all positions in the competitive and noncompetitive service.

(d) Appointments.

(e) Probationary periods of six to twelve months and rejections therein.

(f) Transfers.

(g) Sick and vacation leaves.

(h) Hours of work.

(i) Layoffs, when necessary, and subsequent reemployment.

(j) Agreements between agencies and certified exclusive representatives providing for grievance procedures and collective negotiations on personnel matters.

(k) Adoption and revision of a comprehensive classification plan for all positions in the classified service, based on investigation and analysis of duties and responsibilities of each position. However, beginning July 1, 1993 through June 30, 1995, the board shall not adopt job classification revisions or class studies unless 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 in accordance with chapter 43.88 RCW.

(l) Allocation and reallocation of positions within the classification plan.

(m) Adoption and revision of a state salary schedule to reflect not less than the prevailing rates in Washington state private industries and other governmental units for positions of a similar nature, with adoption and revision subject to approval by the director of the office of financial management in accordance with the provisions of chapter 43.88 RCW.

(n) Training programs, including in-service, promotional and supervisory.

(o) Regular increment[s] within the series of steps for each pay range, based on length of service for all employees whose standards of performance are such as to permit them to retain job status [in] [within] the classified service. However, 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.

(p) Compliance with existing veterans preference statutes.

[Statutory Authority: RCW 41.06.040 and 41.06.150. 93-19-147 (Order 432), § 356-06-080, filed 9/22/93, effective 10/23/93; 90-12-022 (Order 348), § 356-06-080, filed 5/30/90, effective 6/30/90. Statutory Authority: RCW 41.06.150. 86-12-036 (Order 251), § 356-06-080, filed 5/30/86, effective 7/1/86; 83-13-091 (Order 186), § 356-06-080, filed 6/17/83. Statutory Authority: RCW 41.06.150(17). 78-05-025 (Order 119), § 356-06-080, filed 4/14/78; Order 75, § 356-06-080, filed 3/24/75; Order 36, § 356-06-080, filed 7/1/71, effective 8/1/71. Formerly WAC 356-04-110.]

Reviser's note: RCW 34.05.395 requires the use of underlining and deletion marks to indicate amendments to existing rules, and deems ineffectual changes not filed by the agency in this manner. The bracketed material in the above section does not appear to conform to the statutory requirement.

Chapter 356-10 WAC CLASSIFICATION

WAC

356-10-020 Classification plan—Revision.
356-10-060 Allocation—Request for review.

WAC 356-10-020 Classification plan—Revision.

The director shall submit proposed revisions to the classification plan to the board for review and approval.

(1) The board shall hold open hearings on the proposals after 20 days' notice to employee organizations and agencies. The board may modify the proposals.

(2) Beginning July 1, 1993 through June 30, 1995, the board shall not adopt job classification revisions or class studies unless implementation of the proposed revisions 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.

[Statutory Authority: RCW 41.06.040 and 41.06.150. 93-19-147 (Order 432), § 356-10-020, filed 9/22/93, effective 10/23/93; Order 36, § 356-10-020, filed 7/1/71, effective 8/1/71. Formerly WAC 356-08-020.]

WAC 356-10-060 Allocation—Request for review.

A review by the director of personnel or designee of the allocation, reallocation of a position, or incumbent status may be requested by the incumbent in the position at the time the reallocation was requested, or on the date the allocation decision was issued, or at the conclusion of a class study, or by the agency director as follows:

(1) The written request for a review must be filed with the director of personnel within 30 calendar days following notification of the effective date of the action and must contain the reasons and basis for the review.

(2) The director of personnel or designee shall acknowledge receipt of the request and send a copy of the request to the agency.

(3) The agency shall make every effort to resolve the disagreement through agency procedures.

(4) During the review, the director of personnel or designee shall conduct a hearing and may investigate and obtain such information as may be deemed necessary.

(5) Within 30 days of the receipt of the request for review, the director of personnel or designee shall set a date for a hearing and shall notify the incumbent employee, employing agency, employee organization, and designated department of personnel analyst: *Provided*, That the notice shall not be less than 20 calendar days. The hearing shall be informal and any of the above designated parties may present their views. The director of personnel or designee will enter a written determination and provide each of the participating parties with a copy.

(6) An employee or agency may appeal the determination of the director of personnel or designee to the state personnel appeals board as provided in Title 358 WAC.

(7) Allocation or reallocation reviews which result from a class-wide or broader position survey need not be heard until the director of personnel or designee has had a reasonable period of time to reexamine the position in question and all pertinent facts.

(8) Wherever possible, agencies shall continue employee's duties unchanged, pending an allocation decision.

[Statutory Authority: RCW 41.06.040 and 41.06.150. 93-19-154 (Order 429), § 356-10-060, filed 9/22/93, effective 11/1/93. Statutory Authority: RCW 41.06.150(17). 81-23-031 (Order 163), § 356-10-060, filed 11/16/81; 80-13-047 (Order 147), § 356-10-060, filed 9/16/80; 79-03-010 (Order 128), § 356-10-060, filed 2/14/79; 78-12-026 (Order 126), § 356-10-060, filed 11/15/78; 78-10-070 (Order 123), § 356-10-060, filed 9/26/78; Order 87, § 356-10-060, filed 5/4/76, effective 6/5/76; Repealed by Order 81, § 356-10-060, filed 8/21/75, effective 9/21/75*; Order 36, § 356-10-060, filed 7/1/71, effective 8/1/71. Formerly WAC 356-08-090.]

***Reviser's note:** The amendment of this section by Order 81 was enjoined by the superior court of Thurston County in Cause No. 53071.

**Chapter 356-14 WAC
COMPENSATION PLAN**

WAC

356-14-075	Y-rate—Administration.
356-14-110	Salary—Periodic increment dates—Original— Subsequent.
356-14-260	Compensatory time—Liquidation.

WAC 356-14-075 Y-rate—Administration. (1) A Y-rate is a dollar amount that is treated as the basic salary for an employee.

(2) A Y-rate is set by the director of personnel or other provisions of the merit system rules at an amount other than that which would be paid if such action were not taken.

(3) A Y-rate will remain in effect until one of the following occurs:

(a) A specific date established by the director of personnel is reached; or

(b) The employee voluntarily leaves the position occupied when the Y-rate was approved except for transfers due to reduction-in-force; or

(c) The range for the employee's present class is increased to include the Y-rate amount which formerly exceeded the top of the range. At that time, the employee's basic salary shall become the maximum step of the salary range for the class; or

(d) The range for the employee's present class is increased, but had already encompassed the employee's Y-rate, which was between normal steps. At that time, the employee's basic salary shall advance to the normal step of the range which provides the closest to, but not greater than, the increase in the range; or

(e) The employee's salary is reduced pursuant to WAC 356-34-020; or

(f) The Y-rate is subsequently modified by the director of personnel.

(4) On its effective date, a Y-rate will cause the employee to lose his or her periodic increment date unless the salary is between steps of the range.

(5) Salary increases approved by the legislature shall not move the basic salary of a Y-rated employee higher than the top step of the salary range assigned to that employee's classification, unless the salary appropriations act specifically provides for increases above the top step for Y-rated employees.

(6) The director of personnel shall keep records of all Y-rate approvals.

[Statutory Authority: RCW 41.06.040 and 41.06.150. 93-12-087 (Order 420), § 356-14-075, filed 5/28/93, effective 7/1/93. Statutory Authority: RCW 41.06.150. 86-17-038 (Order 256), § 356-14-075, filed 8/15/86, effective 10/1/86; 85-09-030 (Order 221), § 356-14-075, filed 4/12/85; Order 109, § 356-14-075, filed 9/7/77; Order 96, § 356-14-075, filed 12/10/76, effective 1/12/77; Order 92, § 356-14-075, filed 10/5/76, effective 11/5/76.]

WAC 356-14-110 Salary—Periodic increment dates—Original—Subsequent. (1) The periodic increment date (PID) is the date on which an employee automatically advances to a higher dollar amount in the range to which the employee's position is classified; provided

(a) The employee's basic salary is not already at or above the maximum step of the assigned range, or

(b) The employee's standards of performance are such as to permit retention in a job status, or

(c) 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.

(2) The dollar amount of the increase will be two salary schedule increments; except

(a) The amount shall be one salary schedule increment if a two-increment increase would place the employee's basic salary above the maximum of the range of the employee's classification, or

(b) A fractional part of an increment amount shall be regarded as a full increment advance, if the employee's basic salary was between salary schedule steps immediately prior to the increase, or

(c) The dollar amount increase is stated otherwise in the compensation plan appendix or chapter 15.

(3) The original periodic increment date for an employee is:

(a) Six continuous months from the date the employee began work at the first step of a salary range, or

(b) One calendar year from the date on which the employee began work at an intervening salary step; provided that in either (a) or (b):

(i) Any work period starting before the 16th of the month will count as a full month.

(ii) Any work period starting after the 15th of the month will not be counted.

(iii) An employee at or above the maximum step of a salary range does not have a periodic increment date.

(4) The periodic increment date shall be recomputed following leaves of absence without pay, in accordance with WAC 356-18-220, breaks in serve due to reduction in force or reversion action. In such adjustments, calendar months of pay status already spent at a step will be credited toward the time required to advance to the next available increase in that range.

(5) An employee's periodic increment date shall be set and remain the same unless subsequently changed in accordance with the provisions of the merit system rules.

[Statutory Authority: RCW 41.06.040 and 41.06.150. 93-19-147 (Order 432), § 356-14-110, filed 9/22/93, effective 10/23/93. Statutory Authority: RCW 41.06.150. 85-19-078 (Order 230), § 356-14-110, 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), § 356-14-110, filed 8/10/84. Statutory Authority: RCW 41.06.150(17). 79-10-064 (Order 133), § 356-14-110, filed 9/18/79; 78-06-017 (Order 120), § 356-14-110, filed 5/12/78; Order 109, § 356-14-110, filed 9/7/77; Order 36, § 356-14-110, filed 7/1/71, effective 8/1/71. Formerly WAC 356-08-134.]

WAC 356-14-260 Compensatory time—Liquidation. Agencies may require that compensatory time off shall be scheduled as soon as possible after accrual and with due regard for the employee's needs, insofar as this can be accomplished without detracting from sound and orderly administration. Accumulated compensatory time shall be granted for purposes of WAC 356-18-145, Leave without pay—Serious health condition, or WAC 356-18-150, Leave—Newborn, adoptive, or foster child care—Provision.

Agencies may require that accumulated compensatory time be liquidated before vacation leave is granted except in those instances where this procedure would result in loss of accumulated vacation leave.

[Statutory Authority: RCW 41.06.040 and 41.06.150. 93-19-152 (Order 431), § 356-14-260, filed 9/22/93, effective 10/23/93. Statutory Authority: RCW 41.06.150. 87-24-029 (Order 288), 356-14-260, filed 11/24/87, effective 1/1/88; 83-12-002 (Order 184), 356-14-260, filed 5/19/83; Order 36, § 356-14-260, filed 7/1/71, effective 8/1/71. Formerly WAC 356-08-153, 356-08-155.]

Chapter 356-15 WAC

COMPENSATION PLAN APPENDIX

WAC

356-15-030	Overtime provisions and compensation.
356-15-060	Shift premium provisions and compensation.

WAC 356-15-030 Overtime provisions and compensation. (1) The following conditions constitute overtime:

(a) For full-time employees, work in excess of the workshift within the work day.

(b) Work in excess of forty nonovertime hours in one workweek or eighty nonovertime hours in a scheduled fourteen consecutive day period as authorized under WAC 356-15-020 (2)(a)(ii).

(c) Work on a holiday (except Sunday when it is within the scheduled workshift). Scheduled work performed on a Sunday which is coincidental with some other state holiday is overtime work.

(d) Work on a scheduled day off.

(e) Time worked in excess of the 28-day work period by law enforcement positions.

(2) Scheduled work period employees shall receive overtime compensation for work which meets subsection (1)(a) through (d) of this section.

(3) Nonscheduled work period employees shall receive overtime compensation for work which meets subsection (1)(b) through (d) of this section and may be paid overtime compensation for work which meets subsection (1)(a) of this section.

(4) Law enforcement positions have a one hundred sixty-hour, twenty-eight-day work period, rather than a forty-hour workweek.

(a) When the combination of credited work hours (vacation, sick leave, holidays, or compensatory time) and actual work hours exceeds one hundred sixty hours, the employee shall be compensated at time and one-half rates in cash or compensatory time at the option of the agency.

(b) Overtime compensation for actual work in excess of one hundred seventy-one hours in a work period may be in the form of compensatory time off if the employee and the agency agree.

(c) Assigned, actual work on a holiday shall be considered as work in excess of one hundred sixty hours.

(d) For the positions receiving assignment pay for an extended work period, the following special provisions apply:

(i) These law enforcement classes or positions have a one hundred seventy-one-hour, twenty-eight-day work period, for which they receive four ranges (approximately ten percent) above the base salary range.

(ii) When the combination of credited work hours and actual work hours exceeds one hundred seventy-one hours, the employee shall be compensated at time and one-half rates. Compensation may be in the form of compensatory time off if the employee and the agency agree.

(iii) Assigned, actual work on a holiday shall be considered as work in excess of one hundred seventy-one hours.

(5) Exceptions work period employees are not required to be compensated beyond their regular monthly rate of pay for work which meets subsection (1)(a) through (d) of this section. However, they may be compensated or granted exchange time for any of those conditions if their appointing authority deems it appropriate.

(a) If overtime compensation is authorized, the appointing authority may fix the rate, not to exceed the overtime rate (WAC 356-05-231). As indicated in subsection (5) of this section, the agency and the employee may agree to use compensatory time off in lieu of cash; in that event, the rules covering liquidation of compensatory time apply.

(b) Exchange time may be authorized for any number of hours worked beyond the exceptions work period employee's normal hours of work. For those hours authorized, the rate shall be equal hours off for those worked. Exchange time can be accrued to a limit determined by each agency, not to exceed one hundred seventy-four hours. The exchange time accrual for incumbents in the class of youth development and conservation corps camp supervisor only may be increased to four hundred eighty hours by the employing agency.

(c) Employees must be allowed, and may be required, to use all exchange time in excess of eighty hours prior to each April 1 and October 1, or other semiannual dates fixed by an agency and made known to its employees and the director of personnel by that agency's director. As an exception to the above, the director of personnel may establish a single annual date based on the special needs of the requesting agency. Employees must exhaust their exchange time before using compensatory time or vacation leave unless this would result in a loss of accumulated leave.

(d) Accumulated exchange time shall be granted for the purposes of WAC 356-18-145, Leave without pay—Serious health condition, or WAC 356-18-150, Leave—Newborn, adoptive, or foster child care—Provision.

(e) Employee absence on approved exchange time shall be considered as time worked for payroll purposes.

(f) Exchange time has no cash liquidation value. However, employees voluntarily terminating from state service or transferring to another agency must be offered the opportunity to postpone their cessation of employment by the granting agency until their accumulated, authorized exchange time has been used. Employees who were separated due to a reduction in force or disability separation are entitled to reinstatement of accumulated exchange time if they are rehired on a permanent basis by the granting agency within three years of separation.

(6) Overtime shall be compensated in accord with the provisions of WAC 356-14-230 through 356-14-265.

(7)(a) Part-time employees whose positions are in job classes designated as scheduled, nonscheduled, or law enforcement shall receive overtime compensation for work which meets subsection (1)(b) or (c) of this section.

(b) Hourly paid employees whose positions are in job classes designated as exceptions are not exempt from the overtime provisions of the Fair Labor Standards Act. For these employees, an agency must determine and notify the employee of the beginning of the workweek, must maintain the wage and hour records identified in WAC 356-14-220, and must pay overtime compensation for actual hours worked in excess of 40 nonovertime hours in a workweek.

[Statutory Authority: RCW 41.06.040 and 41.06.150. 93-19-152 (Order 431), § 356-15-030, filed 9/22/93, effective 10/23/93. Statutory Authority: RCW 41.06.150. 87-24-026 (Order 285), § 356-15-030, filed 11/24/87, effective 1/1/88; 87-19-066 (Order 282), § 356-15-030, filed 9/16/87, effective 11/1/87; 87-10-037 (Order 274), § 356-15-030, filed 5/1/87, effective 6/1/87; 86-21-047 (Order 260), § 356-15-030, filed 10/10/86, effective 12/1/86; 86-12-025 (Order 248), § 356-15-030, filed 5/28/86, effective 7/1/86; 86-01-014 (Order 239), § 356-15-030, filed 12/6/85; 84-02-030 (Order 194), § 356-15-030, filed 12/30/83. Statutory Authority: RCW 41.06.150(17). 79-10-064 (Order 133), § 356-15-030, filed 9/18/79; Order 113, § 356-15-030, filed 11/30/77, effective 1/1/78; Order 98, § 356-15-030, filed 1/13/77, effective 2/13/77; Order 86, § 356-15-030, filed 5/4/76, effective 10/1/76.]

WAC 356-15-060 Shift premium provisions and compensation. (1) Basic shift premium shall be paid in the amount specified in WAC 356-15-061.

(2) For purposes of this section, evening shift is defined as a work shift of eight or more hours which ends at or after 10 p.m. Night shift is defined as a work shift of eight or more hours which begins by 3:00 a.m.

(3) Full time employees shall be entitled to basic shift premium under the following circumstances:

(a) Employees whose assigned hours consist entirely of evening and/or night shifts are entitled to shift premium for all hours of their scheduled evening and/or night shifts and for all additional hours which are worked and compensated.

(b) Employees are entitled to shift premium for all scheduled hours after 6 p.m. or before 6 a.m.

(c) Employees assigned to work at least one, but not all, night and/or evening shifts, are entitled to shift premium for those scheduled evening or night shifts, and for all additional hours which are worked and compensated.

(d) Employees who regularly work a day shift schedule and who are assigned extended hours are entitled to shift premium for all hours worked after 6 p.m. or before 6 a.m.

(4) Part-time and intermittent employees shall be entitled to basic shift premium under the following circumstances:

(a) For all assigned hours of work after 6 p.m. and before 6 a.m.

(b) For assigned full night or evening shifts, as defined in subsection (2) of this section.

(5) **Monthly shift premium rates:** In cases where shift premium hours are regularly scheduled over a year, agencies may pay shift premium at a monthly rate which is equal for all months of the year. Such monthly rates shall be calculated by dividing twelve into the amount of shift premium an employee would earn in a year if the hourly rules in subsection (2) of this section were applied. This option is granted to simplify bookkeeping and is not authorized to establish shift premium rates higher or lower than those set by the board.

(6) **Shift premium and overtime:** When an employee is compensated for working overtime during hours for which

shift premium is authorized in this section, the overtime rate shall be calculated using the "regular rate" as defined in WAC 356-05-353.

(7) **Payment during leave and for holidays not scheduled to work:** Employees eligible for shift premium for their scheduled shifts will receive the same proportion of shift premium for respective periods of authorized paid leave and for holidays not worked which fall within their usual scheduled shift.

[Statutory Authority: RCW 41.06.040 and 41.06.150. 93-12-086 (Order 419), § 356-15-060, filed 5/28/93, effective 7/1/93; 92-14-063 (Order 406), § 356-15-060, filed 6/26/92, effective 8/1/92. Statutory Authority: RCW 41.06.150. 86-12-025 (Order 248), § 356-15-060, filed 5/28/86, effective 7/1/86; 86-06-017 (Order 242), § 356-15-060, filed 2/24/86; 85-14-008 (Order 224), § 356-15-060, filed 6/24/85; 84-14-006 (Order 207), § 356-15-060, filed 6/22/84; 84-05-024 (Order 198), § 356-15-060, filed 2/10/84; Order 98, § 356-15-060, filed 1/13/77, effective 2/13/77; Order 86, § 356-15-060, filed 5/4/76, effective 10/1/76.*]

Chapter 356-18 WAC

LEAVE

WAC

356-18-060	Paid sick leave—Use.
356-18-110	Vacation leave—Allowance.
356-18-145	Leave without pay—Serious health condition.
356-18-150	Leave—Newborn, adoptive, or foster child care—Provision.
356-18-230	Repealed.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

356-18-230	Partial day absence—Exceptions work period. [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.] Repealed by 93-06-081 (Order 415), filed 3/3/93, effective 4/3/93. Statutory Authority: RCW 41.06.040 and 41.06.150.
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WAC 356-18-060 Paid sick leave—Use. (1) Personal illness: Accumulated sick leave shall be granted when an employee is required to be absent from work for any of the following reasons:

(a) Illness or injury of the employee or for preventative health care.

(b) Exposure of the employee to contagious disease when attendance at work would jeopardize the health of others.

(c) Disability of the employee due to pregnancy or childbirth.

(2) Illness of children: Accumulated sick leave shall be granted when an employee is required to be absent from work to provide care to a child under the age of eighteen with a health condition requiring treatment or supervision. For the purpose of this subsection, "children" shall be limited to the son or daughter of the employee or the employee's spouse.

(3) Illness of relatives or household members: Up to five days of accumulated sick leave shall be granted for each occurrence or as extended by the agency when an employee is required to be absent from work to provide care to members of the employee's household or relatives of the employee or the employee's spouse who experience an illness or

injury. For purposes of this subsection, "relatives" shall be limited to:

- (a) Spouse.
- (b) Son or daughter, eighteen years of age or over, grandchild, or foster child.
- (c) Grandparent or parent.
- (4) Accumulated sick leave shall be approved for the purpose of WAC 356-18-145, Leave without pay—Serious health condition.
- (5) Preventative health care of relatives or household members: Up to one day of sick leave shall be granted for each occurrence or as extended by the agency when an employee is required to be absent to provide care or transportation for a relative of the employee or the employee's spouse or for a member of the employee's household obtaining preventative health care. For the purposes of this subsection "relatives" shall be limited to:

- (a) Spouse.
- (b) Son, daughter, grandchild, or foster child.
- (c) Grandparent or parent.
- (6) For purposes of the provisions of subsections (3), (5), and (7)(a) of this section:

Members of household means "persons who reside in same home, who have reciprocal and natural and/or moral duties to and do provide support for one another. The term does not include persons sharing the same general house when the living style is primarily that of a dormitory or commune."

(7) Bereavement: Accumulated sick leave shall be granted up to three days for each occurrence or as extended by the agency for reasons of travel when an employee is required to be absent from work for any of the following reasons:

- (a) Death of members of the employee's household or relatives of the employee or the employee's spouse.
- (b) For purposes of the provisions of subsection (7)(a) of this section, "relatives" shall be limited to:
 - (i) Spouse.
 - (ii) Son, daughter, grandchild, foster child, son-in-law, or daughter-in-law.
 - (iii) Grandparent, parent, brother, sister, niece, nephew, aunt, uncle, first cousin, brother-in-law, or sister-in-law.
- (8) Inclement weather: Up to three days of accumulated sick leave shall be granted when the employee is unable to report for scheduled work because of severe inclement weather. (Such use of sick leave shall be limited to three days in any calendar year and shall be used only as specified in WAC 356-18-115.)

(9) Unforeseen family care requirements: Such use of sick leave shall normally be limited to a maximum of one day per incident, and to three days in any calendar year, unless extended by the appointing authority, and shall be used only as specified in WAC 356-18-116.

(10) When a condition listed under subsection (1)(a) or (c) of this section arises while the employee is on vacation leave, the employee shall be granted accrued sick leave as provided above for the condition (in lieu of the approved vacation leave) provided that the employee requests such sick leave within fourteen days after return to work. Such conversion rights shall not extend to vacation leave taken prior to an employee's separation as provided in WAC 356-18-100(2).

[Statutory Authority: RCW 41.06.040 and 41.06.150. 93-19-152 (Order 431), § 356-18-060, filed 9/22/93, effective 10/23/93; 92-03-098 (Order 398), § 356-18-060, filed 1/17/92, effective 3/1/92. Statutory Authority: RCW 41.06.150. 89-06-028 (Order 314), § 356-18-060, filed 2/24/89, effective 4/1/89; 86-24-034 (Order 263), § 356-18-060, filed 11/25/86, effective 1/1/87. Statutory Authority: RCW 41.06.150(17). 82-19-092 (Order 175), § 356-18-060, filed 9/22/82; 79-03-010 (Order 128), § 356-18-060, filed 2/14/79; Order 84, § 356-18-060, filed 10/20/75; Order 64, § 356-18-060, filed 3/20/74; Order 51, § 356-18-060, filed 12/19/72; Order 48, § 356-18-060, filed 7/19/72; Order 46, § 356-18-060, filed 5/9/72; Order 44, § 356-18-060, filed 4/14/72; Order 36, § 356-18-060, filed 7/1/71, effective 8/1/71. Formerly WAC 356-12-020 (part), 356-12-100 (part).]

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) Accumulated vacation leave shall be approved for the purposes of WAC 356-18-145, Leave without pay—Serious health condition, or WAC 356-18-150, Leave—Newborn, adoptive, or foster child care—Provision.

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

(5) 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.

(6) 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. 93-19-152 (Order 431), § 356-18-110, filed 9/22/93, effective 10/23/93; 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 356-18-145 Leave without pay—Serious health condition. (1) Pursuant to the federal Family and Medical Leave Act of 1993, a total of 12 work weeks, during any 12-month period, shall be allowed under the following circumstances:

- (a) The eligible employee's own serious health condition that prevents the employee from performing the functions of the job; or
- (b) Serious health conditions of a parent, spouse or child.

(2) A serious health condition is defined as an illness, injury, impairment, or physical or mental condition that involves:

- (a) in-patient care in a hospital, hospice, or residential medical care facility; or
- (b) continuing treatment by a health care provider.

(i) A health care provider is a doctor of medicine or osteopathy who is authorized to practice medicine or surgery (as appropriate) by the state in which the doctor practices; or

(ii) any other person determined by the secretary of the department of labor as being capable of providing health care services.

(3) For purposes of this section, the following definitions will apply:

(a) Eligible employee: An employee who has worked for the state for at least 12 months and for at least 1,250 hours during the previous 12-month period.

(b) Parent: Biological parent or other person that acted as a parent to an employee.

(c) Spouse: Husband or wife.

(d) Child: A biological, adopted, or foster child, a step child, a legal ward, or a child of a person acting as a parent who is:

(i) Under 18 years of age; or

(ii) Eighteen years of age or older and incapable of self care because of a mental or physical disability.

[Statutory Authority: RCW 41.06.040 and 41.06.150. 93-19-152 (Order 431), § 356-18-145, filed 9/22/93, effective 10/23/93.]

WAC 356-18-150 Leave—Newborn, adoptive, or foster child care—Provision. (1) Child care leave without pay shall be authorized to an eligible employee. An eligible employee is a permanent employee or an employee who has worked for the state for 12 months for at least 1,250 hours who is the parent of a newborn child, the adoptive parent, or foster parent of a child. The duration of such leave without pay shall be no more than six months and must be utilized within the first 12 months of birth, adoption or foster child care.

(2) The employee shall make the request for child care leave without pay in writing and indicate the duration of the leave. The employee shall make every attempt to give the employer at least 30 days' notice, if possible. Employees shall be allowed to use their accrued vacation leave, or any portion thereof, in conjunction with child care leave without pay authorized in accordance with this section.

(3) Eligible employees are entitled to a minimum of 12 weeks of leave without pay. However, agencies may deny requests beyond 12 weeks on the basis of operational necessity. If both spouses are state employees and both have requested leave under this section, an agency(ies) may limit them to a total of 12 weeks of leave without pay which they may share. Denials shall be in writing to the employee and shall inform the employee of the right to petition the director of personnel for review.

(4) The director shall review the petition and may require the agency to authorize the child care leave request.

(5) When an agency denies child care leave under this section, and the director of personnel does not require it, an employee who vacates his/her position for the purpose of child care leave may request to return to state service. Such employee must notify the department of personnel, within six months of vacating the position, of their desire to return to work. The department of personnel shall direct the former employing agency to offer the employee the first vacancy in the employee's former class and geographic work location.

This offer shall take precedence over all registers except for reduction-in-force registers.

[Statutory Authority: RCW 41.06.040 and 41.06.150. 93-19-152 (Order 431), § 356-18-150, filed 9/22/93, effective 10/23/93. Statutory Authority: RCW 41.06.150. 89-06-028 (Order 314), § 356-18-150, filed 2/24/89, effective 4/1/89. Statutory Authority: RCW 41.06.150(17). 81-09-037 (Order 153), § 356-18-150, filed 4/15/81; Order 90, § 356-18-150, filed 9/7/76; Order 77, § 356-18-150, filed 5/7/75; Order 36, § 356-18-150, filed 7/1/71, effective 8/1/71. Formerly WAC 356-12-190.]

WAC 356-18-230 Repealed. See Disposition Table at beginning of this chapter.

Chapter 356-22 WAC RECRUITMENT—EXAMINATIONS

WAC

356-22-070

Applications—Disqualification.

356-22-125

Examinations—Desirable qualifications.

WAC 356-22-070 Applications—Disqualification.

The director of personnel is expected to follow accepted standards of personnel practice in screening applicants and may refuse to examine an applicant, may disqualify an applicant after examination or may remove the applicant's name from a register and/or certification or refuse to certify the applicant if:

(1) The applicant is found to lack any of the requirements for the register (as defined in WAC 356-26-030), class, and/or position.

(2) The applicant has been convicted of any infamous crime, a crime involving moral turpitude, or any crime which would be grounds for dismissal from the position for which he/she is applying.

(3) The applicant has made a false statement of material fact in the application.

(4) The applicant has previously been dismissed or resigned from private or public service for delinquency, misconduct, inability to do similar work, or any other such cause directly bearing upon fitness as an employee.

(5) The applicant has used, or attempted to use, bribery to secure an advantage in the examination or appointment.

(6) The applicant has directly or indirectly obtained information regarding examinations to which he/she was not entitled.

(7) The applicant has otherwise violated provisions of these rules.

(8) The applicant has taken part in the compilation, administration or correction of the examination.

(9) The applicant has a disability, as evidenced by a written statement from a physician or a licensed mental health professional, that renders the employer unable to reasonably accommodate the applicant in any position within the class.

[Statutory Authority: RCW 41.06.040 and 41.06.150. 93-12-085 (Order 418), § 356-22-070, 5/28/93, effective 7/1/93; 93-02-040 (Order 414), § 356-22-070, filed 1/5/93, effective 2/1/93; 90-12-020 (Order 346), § 356-22-070, filed 5/30/90, effective 7/1/90. Statutory Authority: RCW 41.06.150. 87-02-038 (Order 267), § 356-22-070, filed 1/2/87; 84-14-006 (Order 207), § 356-22-070, filed 6/22/84. Statutory Authority: RCW 41.06.150(17). 78-06-017 (Order 120), § 356-22-070, filed 5/12/78; Order 36, § 356-22-070, filed 7/1/71, effective 8/1/71. Formerly WAC 356-16-120.]

WAC 356-22-125 Examinations—Desirable qualifications. The director of personnel or designee may approve the substitution of desirable qualifications for established minimum qualifications for a job classification to broaden the recruitment base. Approval may also be given for a specific recruitment when necessary, to meet geographic or program needs. The director of personnel or designee may subsequently remove or amend the desirable qualifications if it is determined that they are no longer appropriate. The use of desirable qualifications shall not conflict with any collective bargaining agreements. Agencies requesting the use, removal, or amendment of desirable qualifications for a job class or recruitment covered by a collective bargaining agreement shall notify the employee organization in writing, prior to the submission of the request.

[Statutory Authority: Chapter 41.06 RCW and RCW 41.06.150. 93-23-069 (Order 434), § 356-22-125, filed 11/16/93, effective 12/17/93.]

Chapter 356-26 WAC REGISTERS—CERTIFICATION

WAC

356-26-030	Register designation.
356-26-040	Registers—Name removal for cause—Grounds enumerated—Requirements.
356-26-060	Certification—General methods.
356-26-075	Certification—Registers—Exception—Agencies merging.
356-26-100	Certification—Local areas—Conditions.

WAC 356-26-030 Register designation. (1) Agency reduction in force.

(a) Composition.

(i) The agency reduction in force register will consist of classes and the names of all employees who hold or have held permanent status in those classes and: (A) Have been notified they are scheduled for reduction in force; or (B) held permanent status prior to separation due to a reduction in force; or (C) who have accepted a voluntary demotion in a class in lieu of a reduction in force; or (D) were in a trial service period with another department and separated due to reduction in force; or (E) employees requesting to be placed on this register for classes held immediately prior to the position being reallocated downward; or (F) who were separated due to disability within the last year as provided in WAC 356-35-010 and who have submitted to the director of personnel a current statement from a physician or licensed mental health professional that they are physically and/or mentally able to perform the duties of the class for which the register is established.

(ii) The employee's name shall appear for all classifications for which he/she is not disabled in which he/she held permanent status since the employee's last separation other than a reduction in force, or in which he/she served more than six months on a position which would have meant permanent status had it been under the jurisdiction of the state personnel board at the time.

(b) Method of ranking.

(i) This register will be ranked according to seniority.

(c) Life of register.

(i) An eligible's name will normally remain on this register for three years.

(d) Special provisions.

(i) Employees appointed from this register will assume the same status they held prior to the reduction in force. Persons on this register will indicate the geographic areas in which they are available. Appointment of persons from this register to seasonal positions will be as provided in WAC 356-30-130.

(ii) An employee's name shall not appear for classes at or below the range level of a class in which the employee is serving on a permanent full-time basis, except:

(A) When the employee has accepted an option beyond a reasonable commuting distance in lieu of separation due to reduction in force. The employee's name may appear for classes at the same or lower range levels when the availability would return the employee back to his/her previous work location.

(B) When the employee has accepted a position in lieu of separation due to a reduction in force, in a different class series.

(C) Any other exceptions shall be approved by the director or designee.

(2) Service-wide reduction in force.

(a) Composition.

(i) This register will consist of the same names as the agency reduction in force register, except for those requesting to be on the agency reduction in force register following a reallocation downward.

(b) Method of ranking.

(i) This register will be ranked according to seniority.

(c) Life of register.

(i) An eligible's name will normally remain on this register for two years.

(d) Special provisions.

(i) Employees appointed from this register will assume the same status they held prior to the reduction in force. Persons on this register will indicate the geographic areas and departments for which they are available. Appointment of persons from this register to seasonal positions will be as provided in WAC 356-30-130.

(3) Dual-agency reversion.

(a) Composition.

(i) This register will contain the names of employees who while serving a trial service period in another agency or in a position under the jurisdiction of the higher education personnel board were either voluntarily or involuntarily reverted to their former class and status.

(b) Method of ranking.

(i) This register will be ranked according to total unbroken classified service.

(c) Life of register.

(i) An eligible's name will normally remain on this register for two years.

(d) Special provisions.

(i) This register refers to the agency from which promoted and the agency from which reverted. Employees appointed from this register will assume the status they held prior to promotion. Persons on this register will indicate the geographic area in which they are available.

(4) Agency promotional.

(a) Composition.

(i) This register will be established by appropriate classes for each agency and shall include the names of those current permanent employees of each agency who have served six months of a probationary period, or past permanent employees who have been separated due to reduction in force within the last year and who have received a passing final grade in the total promotional examination and are eligible to be certified. The names of past permanent employees who were separated due to disability within the last year as provided in WAC 356-35-010 shall also be included on this register provided that they submit to the director of personnel a statement from a physician or licensed mental health professional that they are physically and/or mentally able to perform the duties of the class for which the register is established and they have received a passing final grade as required for other promotional applicants.

(b) Method of ranking.

(i) This register shall be ranked according to final score from the highest to the lowest.

(c) Life of register.

(i) An eligible's name will normally remain on this register for an indefinite period unless replaced by a register established by the use of a substantially new examination.

(d) Special provisions.

(i) An employee may convert any current open competitive rating to this register after six months.

(5) Service-wide reversion.

(a) Composition.

(i) This register will contain the names of employees who while serving a trial service period in another agency or in a position under the jurisdiction of the higher education personnel board were either voluntarily or involuntarily reverted to their former class and status.

(b) Method of ranking.

(i) This register will be ranked according to total unbroken classified service.

(c) Life of register.

(i) An eligible's name will normally remain on this register for two years.

(d) Special provisions.

(i) This register refers to all agencies, except the two which are involved with the dual-agency transaction. Persons on this register will indicate the geographic areas and agencies for which they are available.

(6) Transfer.

(a) Composition.

(i) This register shall contain the names of all permanent employees who have submitted a request to be considered for transfer.

(b) Method of ranking.

(i) This register will be unranked.

(c) Life of register.

(i) An eligible's name shall normally remain on this register for one year.

(d) Special provisions.

(i) To use this register, the employee must transfer either within the same class or the same pay range having the same salary range number.

(7) Voluntary demotion.

(a) Composition.

(i) This register shall contain the names of all permanent employees who have submitted a request for and are eligible under the rules to be considered for a voluntary demotion.

(b) Method of ranking.

(i) This register shall be unranked. However, employees subject to reduction in force shall have priority.

(c) Life of register.

(i) An eligible's name shall normally remain on this register for one year.

(d) Special provisions.

(i) Employees appointed from this register to a class not previously held will serve a trial service period. All examination ratings for the class from which demoted shall be nullified; however, the employee may be elevated to the class from which demoted with permanent status without benefit of certification provided permanent status was achieved at the higher level.

(8) Service-wide promotional.

(a) Composition.

(i) This register shall contain the names of those permanent employees who have served six months of a probationary period or past permanent employees who have been separated due to reduction in force within the last year who have obtained a passing final grade in the total promotional examination. The names of past permanent employees who were separated due to disability within the last year as provided in WAC 356-35-010 shall also be included on this register provided that they submit to the director of personnel a statement from a physician or licensed mental health professional that they are physically and/or mentally able to perform the duties of the class for which the register is established and they have received a passing final score as required for other promotional applicants.

(b) Method of ranking.

(i) This register shall be ranked according to final score, from the highest to the lowest.

(c) Life of register.

(i) An eligible's name will normally remain on this register for an indefinite period unless replaced by a register established by the use of a substantially new examination.

(d) Special provisions.

(i) An employee may convert any current open competitive rating to this register after six months. Persons on this register will indicate the geographic areas and agencies for which they are available.

(9) Reemployment.

(a) Composition.

(i) This register shall contain the names of all past permanent employees who have submitted a request and an application for reemployment within five years from the date of separation, provided that the names of employees separated for cause while performing similar duties shall not be placed on this register except with the approval of the agency from which they were separated for cause. This register shall also contain the names of those employees who have been in reversion or reduction in force status and have been offered and declined employment. The director of personnel may extend the time during which an employee may apply for reemployment if the director of personnel has determined that a need for eligibles exists in a certain class and/or geographical area.

- (b) Method of ranking.
- (i) This register shall be unranked.
- (c) Life of register.
- (i) An eligible's name will normally remain on this register for two years.
- (d) Special provisions.
- (i) Persons reemployed from this register will serve a probationary period. The former employee may limit or enlarge upon his/her area of availability either by department or geographic area.
- (10) Inter-system employment.
- (a) Composition. This register shall contain the names of permanent classified employees under the jurisdiction of the higher education personnel board who have submitted an application and who have passed the required examination.
- (b) Method of ranking. This register shall be ranked according to final passing score from the highest to the lowest.
- (c) Life of register. An eligible's name will normally remain on this register for one year.
- (d) Special provisions. Employees appointed from this register will serve a six month trial service period.
- (11) Open competitive.
- (a) Composition.
- (i) This register will contain the names of all persons who have passed the entrance examination.
- (b) Method of ranking.
- (i) This register shall be ranked by the final score.
- (c) Life of register.
- (i) An eligible's name will normally remain on this register for one year unless changed by the director of personnel.
- (d) Special provisions.
- (i) Persons on this register will indicate the geographic areas for which they are available.

[Statutory Authority: RCW 41.06.040 and 41.06.150. 93-12-088 (Order 421), § 356-26-030, filed 5/28/93, effective 7/1/93. Statutory Authority: RCW 41.06.150. 85-14-008 (Order 224), § 356-26-030, filed 6/24/85; 85-05-030 (Order 217), § 356-26-030, filed 2/15/85; 84-14-006 (Order 207), § 356-26-030, filed 6/22/84; 84-11-091 (Order 204), § 356-26-030, filed 5/23/84, effective 9/1/84; 83-01-115 (Order 179), § 356-26-030, filed 12/22/82. Statutory Authority: RCW 41.06.150(17). 82-19-092 (Order 175), § 356-26-030, filed 9/22/82; 81-20-060 (Order 161), § 356-26-030, filed 10/5/81; 80-13-047 (Order 147), § 356-26-030, filed 9/16/80; Order 58, § 356-26-030, filed 9/10/73; Permanent and Emergency Order 50, § 356-26-030, filed 10/19/72; Order 40, § 356-26-030, filed 12/10/71; Order 36, § 356-26-030, filed 7/1/71, effective 8/1/71. Formerly WAC 356-16-330, 356-16-340, 356-16-350, 356-16-360, 356-16-370, 356-16-380, 356-16-390, 356-16-400.]

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 and/or certification 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 or open competitive 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. 93-02-040 (Order 414), § 356-26-040, filed 1/5/93, effective 2/1/93; 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 356-26-060 Certification—General methods. Upon receipt of a request for certification, the director of personnel shall normally certify to the appointing authority a list of names equal in number to six more than there are vacancies to be filled from the ranked registers except:

(1) One name will constitute a complete certification when referrals are made from the agency reduction in force register, the service-wide reduction in force register, or the dual agency reversion register. When an appointing authority requests a selective certification for specialized qualifications, the eligible candidate must meet the selective criteria in order to be referred to the position, provided:

(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) It has been determined that the position involves new duties that would warrant future selective certification. Such selective criteria shall not be applied for certification purposes until six months after the department of personnel approves the selective criteria for the position.

(d) In the case of (a), (b), or (c) of this subsection, the director of personnel or designee must determine that the specialized qualifications are still required for successful job performance and cannot be learned within a reasonable length of time.

(2) Where all names are certified exclusively from an open competitive register, the director of personnel may certify in ranked order up to all of the names from the open competitive register: *Provided*, That the appointing authority shall select from those eligibles available from the highest ranking names which constitute seven names per vacancy to be filled.

(3) The names of candidates from the same register who have the same score as the lowest score to be certified will also be certified.

(4) An unranked register may be used to complete a certification. An agency may request the transfer, reemployment, and/or voluntary demotion register(s) to complete a certification. In such cases, all names appearing on the specified register shall be certified. Subsequent unranked registers shall not be used until the certification is again incomplete.

(5) When the vacancy to be filled is identified as part of an agency's affirmative action goals as established by their approved affirmative action plan, the director of personnel may, except where there are employees on the reduction in force register, refer up to three additional names per vacancy of individuals who are on existing registers and who are members of the protected groups. More than three additional names per vacancy will be certified if there are protected group candidates with the same score as the lowest score to be certified. This action may be taken when necessary to comply with the best standards of personnel administration as contemplated by chapter 41.06 RCW.

Prior to the utilization of this subsection, the agency shall determine if there are protected group members on the existing registers. If there are fewer than three protected group members on the register, the agency shall:

(a) Appoint one of the eligibles from the register; or

(b) Request assistance from the department of personnel in completing the certification. The department of personnel and the agency will then initiate targeted recruitment.

(6) When one or more of the following conditions exist, the director of personnel or designee may certify a sufficient number of names to assure that the requesting agency has not less than seven names available for consideration:

(a) The position is in an isolated or undesirable location.

(b) The position has undesirable working conditions.

(c) The agency needs to fill several positions in the class.

(d) One or more agencies have had difficulty filling positions in the class.

(e) The director of personnel or designee determines that such certification is necessary to provide the requesting agency with efficient service.

If such certification contains seven or more available promotional candidates, agencies shall appoint from the promotional candidates.

(7) Permanent employees certified from a ranked register for consideration of appointment shall be notified by the agency at the time of the referral. Upon appointment the agency 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), § 356-26-060, filed 9/22/93, effective 10/23/93; 93-08-048 (Order 416), § 356-26-060, filed 4/2/93, effective 5/3/93; 91-02-030 (Order 366), § 356-26-060, filed 12/24/90, effective 2/1/91; 90-12-022 (Order 348), § 356-26-060, filed 5/30/90, effective 6/30/90. Statutory Authority: RCW 41.06.150. 87-24-025 (Order 284), § 356-26-060, filed 11/24/87, effective 1/1/88; 87-02-038 (Order 267), § 356-26-060, filed 1/2/87; 86-21-114 (Order 261), § 356-26-060, filed 10/20/86, effective 12/1/86; 85-23-048 (Order 238), § 356-26-060, filed 11/18/85. Statutory Authority: RCW 41.06.150(17). 82-19-092 (Order 175), § 356-26-060, filed 9/22/82; 81-20-060 (Order 161), § 356-26-060, filed 10/5/81; 81-03-017 (Order 151), § 356-26-060, filed 1/12/81. Statutory Authority: RCW 41.06.140(17). 80-04-025 (Order 142), § 356-26-060, filed 3/14/80. Statutory Authority: RCW 41.06.150(17). 79-12-072 (Order 138), § 356-26-060, filed 11/30/79, effective 1/1/80; 79-11-046 (Order 136), § 356-26-060, filed 10/15/79, effective 1/1/80; Order 112, § 356-26-060, filed 11/7/77; Order 96, § 356-26-060, filed 12/10/76 and 12/20/76; Order 77, § 356-26-060, filed 5/7/75; Order 68, § 356-26-060, filed 6/25/74; Order 66, § 356-26-060, filed 5/28/74; Order 56, § 356-26-060, filed 6/25/73; Order 54, § 356-26-060, filed 4/26/73; Order 36, § 356-26-060, filed 7/1/71, effective 8/1/71. Formerly WAC 356-20-020.]

WAC 356-26-075 Certification—Registers—Exception—Agencies merging. When agencies, or portions of agencies are merging, the appointing authorities may request the director to certify affected employees of each agency as agency promotional provided:

(1) That the written request to the director shall specify:

(a) The agencies, or portions of the agencies, affected by the merger;

(b) The effective date of the merger;

(c) The affected employee organizations are notified in writing.

(2) The appointing authority shall notify the employees of the affected divisions or agencies as soon as possible following the written approval by the director.

(3) This section is not intended to modify any requirements contained in collective bargaining agreements.

[Statutory Authority: Chapter 41.06 RCW and 41.06.150. 93-22-081 (Order 433), § 356-26-075, filed 11/1/93, effective 12/2/93.]

WAC 356-26-100 Certification—Local areas—Conditions. The appointing authority may request and the director of personnel may designate, by agency, classes of positions for which only persons living in the area of a vacancy will be considered available for employment. Such classes shall be only those for which there is evidence to show that certification on a statewide basis constitutes a hindrance to efficient and economical hiring by the agency. If certification of at least seven names from the register for that class is not possible, certification shall be from eligibles who have indicated willingness for consideration in that geographic area.

[Statutory Authority: RCW 41.06.040 and 41.06.150. 93-19-147 (Order 432), § 356-26-100, filed 9/22/93, effective 10/23/93. Statutory Authority: RCW 41.06.150. 83-08-010 (Order 181), § 356-26-100, filed 3/25/83; Order 36, § 356-26-100, filed 7/1/71, effective 8/1/71. Formerly WAC 356-20-050.]

Chapter 356-30 WAC

APPOINTMENTS—SEPARATIONS

WAC

356-30-130 Seasonal career employment.
356-30-331 Reduction in force—Transition pool.

WAC 356-30-130 Seasonal career employment. (1) Seasonal career employees are those in seasonal career positions or employees whose repeated pattern of work is defined as the second pattern (2) in the definition of seasonal career employment.

(2) Positions which are established to respond to cyclic work load requirements and which meet the definition of seasonal career employment shall be established as seasonal career positions: *Provided*, That the agency will not establish seasonal career positions which circumvent the utilization of full-time positions.

(3) An initial appointment into seasonal career employment shall be from a register or lists; except that employees selected for a fourth consecutive season of cyclical temporary employment, as provided in the definition of seasonal career employment, shall be granted a seasonal career appointment provided they pass a qualifying examination for the classification in which they are employed.

(4) Upon completion of the probationary period of 1040, 1560, or 2080 accumulated scheduled hours (if serving a six-month, nine-month, or twelve-month probationary period), employees in seasonal career employment shall assume the rights of a permanent employee. Past service that later entitles employees to seasonal career employment will count toward permanent status at the beginning of the fourth qualifying season.

(5) Seasonal career employees affected by reduction in force, reduction in hours of work, subsequent reemployment or increase in scheduled hours of work will have their reduction in force rights only within their seasonal career layoff unit and will compete based on seniority. Notification of reduction in force or alterations of work schedules shall be given no later than two working days prior to the effective date. Seniority gained by seasonal career employees during seasonal layoff shall be disregarded.

(6) Seasonal career reduction in force registers shall be maintained and posted within their respective agencies in accordance with the agency's reduction in force procedures and policies.

(7) Seasonal career employees separated due to a reduction in force shall be placed on a separate seasonal career reduction in force register for the season and/or duration for which they were laid off.

[Statutory Authority: RCW 41.06.040 and 41.06.150. 93-12-088 (Order 421), § 356-30-130, filed 5/28/93, effective 7/1/93. Statutory Authority: RCW 41.06.150. 84-10-054 (Order 202), § 356-30-130, filed 5/2/84; 84-02-030 (Order 194), § 356-30-130, filed 12/30/83; Order 58, § 356-30-130, filed 9/10/73; Order 36, § 356-30-130, filed 7/1/71, effective 8/1/71. Formerly WAC 356-24-290.]

WAC 356-30-331 Reduction in force—Transition pool. The director of personnel or designee may waive the appropriate rules to implement the reduction in force transition pool resolution adopted by the board on July 8, 1993.

[Statutory Authority: Chapter 41.06 RCW and RCW 41.06.150. 93-16-022, § 356-30-331, filed 7/23/93, effective 8/23/93.]

Chapter 356-34 WAC

DISCIPLINARY ACTIONS—APPEALS

WAC

356-34-090 Protests—Requirements for applicants, examinees, and eligibles.

WAC 356-34-090 Protests—Requirements for applicants, examinees, and eligibles. (1) An applicant whose application has been rejected; an examinee who feels that the examination is unfair, or not applied uniformly, or that the score is in error or not uniformly derived; an eligible whose name has been removed from the register and/or certification; or an applicant who is not appointed following a background inquiry and review conducted pursuant to WAC 356-26-140 may request a review by the director of personnel or designee. The request must be in writing and received at the director of personnel's office within twenty calendar days following the postmarked date of the notification of the application rejection, examination score, removal from a register and/or certification, or the appointing authority's decision.

(2) The director of personnel or designee shall notify the party requesting a review of the date and place of the review at least ten calendar days prior to the review. The review shall be informal and conducted by the director of personnel or designee. The director of personnel or designee may limit attendance of other interested parties if good order, justice, and fairness will be promoted. Within ten calendar days following the review and the receipt of any additional necessary information, the director of personnel or designee shall issue a written determination and send a copy to each of the participating parties.

(3) An adversely affected party may request a hearing of the personnel board to review the determination of the director of personnel or designee. The request for a personnel board hearing must be in writing and received at the director of personnel's office within twenty calendar days following the postmarked date of the notification of the director's or designee's determination. A hearing before the personnel board shall be scheduled and each party shall be afforded not less than ten calendar days' notice. The personnel board will issue a written decision which will be final.

[Statutory Authority: RCW 41.06.040 and 41.06.150. 93-02-040 (Order 414), § 356-34-090, filed 1/5/93, effective 2/1/93. Statutory Authority: RCW 41.06.150. 87-13-040 (Order 278), § 356-34-090, filed 6/15/87, effective 8/1/87; 87-06-024 (Order 271), § 356-34-090, filed 2/24/87; 86-08-035 (Order 244), § 356-34-090, filed 3/26/86, effective 5/1/86; Order 87, § 356-34-090, filed 5/4/76, effective 6/5/76; Order 81, § 356-34-090, filed 8/21/75, effective 9/21/75; Permanent and Emergency Order 50, § 356-34-090, filed 10/19/72; Order 36, § 356-34-090, filed 7/1/71, effective 8/1/71. Formerly WAC 356-28-020.]

Chapter 356-35 WAC
DISABILITY—SEPARATION—APPEALS—
PROCEDURES

WAC

356-35-010 Disability—Reasonable accommodation—Separation—Appeals.

WAC 356-35-010 Disability—Reasonable accommodation—Separation—Appeals. (1) An appointing authority may initiate a disability separation of a permanent employee only when reasonable accommodations cannot be provided. When the employee requests a disability separation, the appointing authority is not required to consider reasonable accommodations.

(2) If the disability prevents performance of an essential function of the current job, and there is no appropriate work available while trying to reasonably accommodate the employee, the employee shall be allowed to use accrued vacation, sick, shared leave, exchange, and/or compensatory time. If there is no paid leave available or if the employee chooses not to use paid leave, the employee shall be placed on authorized leave without pay.

(3) When reasonable accommodations cannot be provided, the employee may be separated by the appointing authority after written notice of, whichever is greater,

(a) sixty calendar days; or,

(b) the number of consecutive work days for which only accrued sick and vacation leave, as defined in WAC 356-18-050 and 356-18-090, could be used.

If the employee is unable to work due to the disability during the notice period and there is no paid leave available, the absence shall be considered approved leave without pay.

The sixty calendar days notice shall not be required when the employee requests and the appointing authority approves a shorter notice period.

(4) For purposes of this rule, determinations of disability shall be made by an appointing authority only at the employee's written request or after obtaining a written statement from a physician or a licensed mental health professional. The appointing authority may require an employee to obtain a medical examination at agency expense from a physician or a licensed mental health professional of the agency's choice. In such cases, the agency shall provide the physician or licensed mental health professional with the specification for the employee's class and a description of the employee's position. Evidence may be requested from the physician or licensed mental health professional regarding the employee's ability to perform the specified duties.

(5) Agency initiated separations due to disability shall not be considered disciplinary actions and shall be appealable to the personnel appeals board. At the time of notification that their employment will be terminated because of disability, such employees shall be informed by the appointing authority of their right to appeal. The appeal must be filed in writing to the personnel appeals board as provided in Title 358 WAC within thirty calendar days after notice of separation is given.

(6) During the notice period required by subsection (3) of this section the agency shall inform employees being separated due to disability that they may be eligible for

benefits/assistance programs such as employees' insurance plans, Social Security, worker's compensation, veteran's benefits, public assistance, disability retirement, and vocational rehabilitation.

(7) The names of permanent employees who have been separated because of disability shall be placed on reduction in force and promotional registers by the director of personnel as provided in WAC 356-26-030 upon submission of a statement from a physician or licensed mental health professional that they are able to perform the duties of the class(es) for which the registers are established.

[Statutory Authority: RCW 41.06.040 and 41.06.150. 93-14-067 (Order 422), § 356-35-010, filed 6/30/93, effective 8/1/93. Statutory Authority: RCW 41.06.150. 87-02-038 (Order 267), § 356-35-010, filed 1/2/87; 85-14-008 (Order 224), § 356-35-010, filed 6/24/85; 84-23-059 (Order 211), § 356-35-010, filed 11/20/84; 83-24-002 (Order 193), § 356-35-010, filed 11/28/83. Statutory Authority: RCW 41.06.150(17). 82-09-022 (Order 169), § 356-35-010, filed 4/12/82; 81-20-060 (Order 161), § 356-35-010, filed 10/5/81; Order 58, § 356-35-010, filed 9/10/73.]

Chapter 356-47 WAC
CAREER EXECUTIVE PROGRAM

WAC

356-47-010 through 356-47-120 Repealed.

DISPOSITION OF SECTIONS FORMERLY
CODIFIED IN THIS CHAPTER

- 356-47-010 Career executive program—Purpose. [Statutory Authority: RCW 41.06.150. 86-12-035 (Order 250), § 356-47-010, filed 5/30/86, effective 7/1/86. Statutory Authority: RCW 41.06.150(17). 81-20-068 (Order 162), § 356-47-010, filed 10/6/81.] Repealed by 93-19-153 (Order 430), filed 9/22/93, effective 10/23/93. Statutory Authority: RCW 41.06.040 and 41.06.150.
- 356-47-020 Career executive program—Application of rules. [Statutory Authority: RCW 41.06.150(17). 81-20-068 (Order 162), § 356-47-020, filed 10/6/81.] Repealed by 93-19-153 (Order 430), filed 9/22/93, effective 10/23/93. Statutory Authority: RCW 41.06.040 and 41.06.150.
- 356-47-030 Career executive program—General provisions. [Statutory Authority: RCW 41.06.040 and 41.06.150. 90-12-024 (Order 350), § 356-47-030, filed 5/30/90, effective 6/30/90. Statutory Authority: RCW 41.06.150. 88-18-096 (Order 308), § 356-47-030, filed 9/7/88, effective 11/1/88; 86-12-035 (Order 250), § 356-47-030, filed 5/30/86, effective 7/1/86. Statutory Authority: RCW 41.06.150(17). 81-20-068 (Order 162), § 356-47-030, filed 10/6/81.] Repealed by 93-19-153 (Order 430), filed 9/22/93, effective 10/23/93. Statutory Authority: RCW 41.06.040 and 41.06.150.
- 356-47-040 Career executive program—Position nomination—Approval—Procedures. [Statutory Authority: RCW 41.06.040 and 41.06.150. 92-03-100 (Order 400), § 356-47-040, filed 1/17/92, effective 3/1/92. Statutory Authority: RCW 41.06.150. 86-12-035 (Order 250), § 356-47-040, filed 5/30/86, effective 7/1/86. Statutory Authority: RCW 41.06.150(17). 81-20-068 (Order 162), § 356-47-040, filed 10/6/81.] Repealed by 93-19-153 (Order 430), filed 9/22/93, effective 10/23/93. Statutory Authority: RCW 41.06.040 and 41.06.150.
- 356-47-045 Career executive program—Employee selection. [Statutory Authority: RCW 41.06.040 and 41.06.150. 92-14-067 (Order 408), § 356-47-045, filed 6/26/92, effective 8/1/92. Statutory Authority: RCW 41.06.150. 88-18-096 (Order 308), § 356-47-045, filed 9/7/88, effective 11/1/88; 86-12-035 (Order 250), § 356-47-045, filed 5/30/86, effective 7/1/86.] Repealed by 93-19-153 (Order 430), filed

	9/22/93, effective 10/23/93. Statutory Authority: RCW 41.06.040 and 41.06.150.	356-56-021	Washington management service—Transition of career executive program.
356-47-046	Career executive program—Appointment status. [Statutory Authority: RCW 41.06.150. 86-17-039 (Order 257), § 356-47-046, filed 8/15/86; 86-12-035 (Order 250), § 356-47-046, filed 5/30/86, effective 7/1/86.] Repealed by 93-19-153 (Order 430), filed 9/22/93, effective 10/23/93. Statutory Authority: RCW 41.06.040 and 41.06.150.	356-56-030	Equal opportunity and affirmative action.
		356-56-035	Definitions.
		356-56-050	Transition.
		356-56-100	Compensation policy and practice.
356-47-060	Career executive program—Position removal—Incumbent removal. [Statutory Authority: RCW 41.06.040 and 41.06.150. 92-14-067 (Order 408), § 356-47-060, filed 6/26/92, effective 8/1/92. Statutory Authority: RCW 41.06.150. 86-12-035 (Order 250), § 356-47-060, filed 5/30/86, effective 7/1/86. Statutory Authority: RCW 41.06.150(17). 81-20-068 (Order 162), § 356-47-060, filed 10/6/81.] Repealed by 93-19-153 (Order 430), filed 9/22/93, effective 10/23/93. Statutory Authority: RCW 41.06.040 and 41.06.150.	356-56-105	Position evaluation—Assignment to management bands.
		356-56-115	Salary adjustments.
		356-56-120	Other pay practices.
		356-56-125	Salary surveys.
356-47-065	Career executive program—Return rights. [Statutory Authority: RCW 41.06.150. 86-12-035 (Order 250), § 356-47-065, filed 5/30/86, effective 7/1/86.] Repealed by 93-19-153 (Order 430), filed 9/22/93, effective 10/23/93. Statutory Authority: RCW 41.06.040 and 41.06.150.	356-56-200	Recruitment and selection policy and practice.
		356-56-205	Movement within Washington management service.
		356-56-210	Movement between Washington management service and Washington general service positions.
356-47-070	Career executive program—Agreement of participation. [Statutory Authority: RCW 41.06.150. 86-12-035 (Order 250), § 356-47-070, filed 5/30/86, effective 7/1/86. Statutory Authority: RCW 41.06.150(17). 81-20-068 (Order 162), § 356-47-070, filed 10/6/81.] Repealed by 93-19-153 (Order 430), filed 9/22/93, effective 10/23/93. Statutory Authority: RCW 41.06.040 and 41.06.150.	356-56-215	Acting appointments.
		356-56-220	Review period—Attaining permanent status.
		356-56-230	Reversion.
		356-56-255	Return from exempt service.
356-47-080	Career executive program—Performance appraisal—Performance recognition. [Statutory Authority: RCW 41.06.150. 86-12-035 (Order 250), § 356-47-080, filed 5/30/86, effective 7/1/86. Statutory Authority: RCW 41.06.150(17). 81-20-068 (Order 162), § 356-47-080, filed 10/6/81.] Repealed by 93-19-153 (Order 430), filed 9/22/93, effective 10/23/93. Statutory Authority: RCW 41.06.040 and 41.06.150.	356-56-400	Training and development.
		356-56-410	Tuition reimbursement and educational leave.
		356-56-420	Human resource development plan.
		356-56-440	Performance evaluation.
		356-56-500	Disciplinary action.
		356-56-550	Reduction in force—Agency procedure—Bump options.
356-47-090	Career executive program—Development and training. [Statutory Authority: RCW 41.06.040 and 41.06.150. 90-12-025 (Order 351), § 356-47-090, filed 5/30/90, effective 7/1/90. Statutory Authority: RCW 41.06.150. 86-12-035 (Order 250), § 356-47-090, filed 5/30/86, effective 7/1/86. Statutory Authority: RCW 41.06.150(17). 81-20-068 (Order 162), § 356-47-090, filed 10/6/81.] Repealed by 93-19-153 (Order 430), filed 9/22/93, effective 10/23/93. Statutory Authority: RCW 41.06.040 and 41.06.150.	356-56-600	Appeals.
		356-56-610	Reviews.
356-47-100	Career executive program—Classification—Allocation. [Statutory Authority: RCW 41.06.150. 86-12-035 (Order 250), § 356-47-100, filed 5/30/86, effective 7/1/86. Statutory Authority: RCW 41.06.150(17). 81-20-068 (Order 162), § 356-47-100, filed 10/6/81.] Repealed by 93-19-153 (Order 430), filed 9/22/93, effective 10/23/93. Statutory Authority: RCW 41.06.040 and 41.06.150.	356-56-630	Resignation.
		356-56-650	Record keeping.
356-47-120	Career executive program—Appeals. [Statutory Authority: RCW 41.06.150(17). 81-20-068 (Order 162), § 356-47-120, filed 10/6/81.] Repealed by 93-19-153 (Order 430), filed 9/22/93, effective 10/23/93. Statutory Authority: RCW 41.06.040 and 41.06.150.	356-56-660	Administrative procedures—Rule making.

WAC 356-47-010 through 356-47-120 Repealed.
See Disposition Table at beginning of this chapter.

Chapter 356-56 WAC

WASHINGTON MANAGEMENT SERVICE

WAC

356-56-001	Declaration of purpose.
356-56-002	Inclusion in the Washington management service.
356-56-010	Application of rules.
356-56-015	Phase-in agencies—Application of rules.
356-56-020	Role of the department of personnel.

WAC 356-56-001 Declaration of purpose. (1) The general purpose of this chapter of rules is to establish for the state a system of personnel administration called the Washington management service, as authorized in RCW 41.06.500.

(2) Except as provided in RCW 41.06.070, the director of the department of personnel is authorized to adopt, after consultation with state agencies and employee organizations, rules for managers as defined in WAC 356-56-002.

(3) In establishing rules for managers, the director shall adhere to the following goals:

(a) A simplified classification system that facilitates movement of managers between agencies and promotes upward mobility;

(b) A compensation system consistent with RCW 41.06.150(17). The system shall provide flexibility in setting and changing salaries;

(c) A performance appraisal system that emphasizes individual accountability for program results and efficient management of resources; effective planning, organization, and communication skills; valuing and managing workplace diversity; development of leadership and interpersonal abilities; and employee development;

(d) Strengthened management training and career development programs that build critical management knowledge, skills, and abilities; focusing on managing and valuing workplace diversity; empowering employees by enabling them to share in workplace decision making, and to be innovative, willing to take risks, and able to accept and deal with change; promoting a workplace where the overall focus is on the recipient of the government services and how these services can be improved; and enhancing mobility and career advancement opportunities;

(e) Flexible recruitment and hiring procedures that enable agencies to compete effectively with other employers,

both public and private, for managers with appropriate skills and training; allowing consideration of all qualified candidates for positions as managers; and achieving affirmative action goals and diversity in the workplace;

(f) Provisions that managers may only be reduced, dismissed, suspended, or demoted for cause;

(g) Facilitation of decentralized and regional administration; and,

(h) Ensure that decisions are not based on patronage or political affiliation.

[Statutory Authority: Chapter 41.06 RCW and RCW 41.06.500. 94-01-126, § 356-56-001, filed 12/17/93, effective 1/18/94.]

WAC 356-56-002 Inclusion in the Washington management service. (1) Chapter 356-56 WAC applies only to classified employees or positions that meet the definition of manager. Each agency will identify all positions that meet this definition and will place them in the Washington management service. Manager or managerial employee means the incumbent of a position that is assigned as follows:

(a) Formulates state-wide policy or directs the work of an agency or agency subdivision;

(b) Administers one or more state-wide policies or programs of an agency or agency subdivision;

(c) Manages, administers, and controls a local branch office of an agency or an agency subdivision, including the physical, financial, or personnel resources;

(d) Has substantial responsibility in personnel administration, legislative relations, public information, or the preparation and administration of budgets; or,

(e) Functionally is above the first level of supervision and exercises authority that is not merely routine or clerical in nature and requires the consistent use of independent judgment.

(2) Chapter 356-56 WAC shall not apply to managers whose positions are exempt from civil service or who are employed by institutions of higher education and related boards.

[Statutory Authority: Chapter 41.06 RCW and RCW 41.06.500. 94-01-126, § 356-56-002, filed 12/17/93, effective 1/18/94.]

WAC 356-56-010 Application of rules. (1) These rules shall be separate from rules adopted by the Washington personnel resources board for other classified employees, and to the extent that the rules adopted apply only to managers, shall take precedence over rules adopted by the board, and are not subject to review by the board.

(2) The intent of the director of personnel in adopting the rules in this chapter is to comprehensively cover the personnel matters relating to Washington management service positions. Therefore, if a Washington management service issue is identified that the director has not specifically addressed by adopting rules, the Washington personnel resources board rules shall not be effective or take precedence in addressing the issue.

(3) Except where specifically stated otherwise, the following WAC chapters do not apply to positions or employees included in the Washington management service:

WAC 356-05	Definitions
WAC 356-10	Classification
WAC 356-14	Compensation
WAC 356-15	Compensation plan appendix
WAC 356-22	Recruitment—Examination
WAC 356-26	Registers—Certification
WAC 356-30	Appointments—Separation
WAC 356-34	Disciplinary action—Appeals
WAC 356-37	Hearings
WAC 356-39	Human resource development
WAC 356-49	Intersystem employment

(4) Except where specifically stated otherwise, the following WAC chapters do apply to positions or employees included in the Washington management service:

WAC 356-06	General provisions
WAC 356-07	Operations and public records
WAC 356-09	Affirmative action program
WAC 356-18	Leave
WAC 356-35	Disability—Separation—Appeals—Procedures
WAC 356-42	Labor relations
WAC 356-46	Miscellaneous
WAC 356-48	State internship program

[Statutory Authority: Chapter 41.06 RCW and RCW 41.06.500. 94-01-126, § 356-56-010, filed 12/17/93, effective 1/18/94.]

WAC 356-56-015 Phase-in agencies—Application of rules. Chapter 356-56 WAC adopted by the director of personnel and effective January 1994 will apply only to the department of personnel, department of revenue, department of transportation, and office of minority and women's business enterprises. After the phase-in period, the director will adopt rules that apply to all agencies.

[Statutory Authority: Chapter 41.06 RCW and RCW 41.06.500. 94-01-126, § 356-56-015, filed 12/17/93, effective 1/18/94.]

WAC 356-56-020 Role of the department of personnel. (1) The department of personnel will provide support, guidelines, and assistance to agencies in the decentralized administration of all aspects of the Washington management service.

(2) The department of personnel will consult with each agency as needed to ensure fair and equitable administration of Washington management service rules.

[Statutory Authority: Chapter 41.06 RCW and RCW 41.06.500. 94-01-126, § 356-56-020, filed 12/17/93, effective 1/18/94.]

WAC 356-56-021 Washington management service—Transition of career executive program. (1) The provisions of this section apply only to managerial employees appointed to career executive program positions in probationary, trial service or permanent status as of June 30, 1993. The provisions of WAC 356-56-021 do not apply to managerial employees in these positions in agencies listed in WAC 356-56-015.

(2) Individuals who leave the above positions, all other managerial employees, and all vacant managerial positions are subject to the provisions of the remaining chapters of Title 356 WAC, until such time as the director adopts rules

in chapter 356-56 WAC which pertain to those employees and positions.

(3) Managerial employees referenced in subsection (1) of this section who successfully complete a twelve-month probationary or trial service period shall attain permanent status in the classification to which their position is allocated.

(4) Permanent managerial employees referenced in subsection (1) of this section shall retain permanent status in the classification to which their position is allocated.

(5) Managerial employees referenced in subsection (1) of this section who have been in the same job class and position for four consecutive years from career executive appointment date shall be removed from coverage of the provisions of this section, UNLESS an extension is approved by the director or designee.

(6) An agency director may remove a managerial employee from coverage of the provisions of this section, provided that the employee was informed of a limitation of less than four consecutive years on career executive program participation upon appointment to the program.

(7) Permanent managerial employees who voluntarily leave career executive transition status or leave in accordance with subsections (5) and (6) of this section, shall remain in their position and retain permanent status. Agencies shall notify the director of personnel, or designee of these vacancies.

(8) Managerial employees who have not successfully completed a probationary or trial service period into positions referred in subsection (1) of this section, or where the position is subsequently abolished, shall be entitled to return to the position or class previously held with permanent status. If such position is not available, the managerial employee shall return to a position similar in nature and salary to the position previously held. Employees appointed into these positions via the open competitive process shall not have return rights under the provisions of this section.

(9) Employees shall not be offered reduction-in-force options or trial service reversion rights to filled positions that were in the career executive program on June 30, 1993. Agencies may elect to return entitled exempt employees to these positions.

(10) Except for the agencies named in WAC 356-56-015, this section providing for career executive transition into the Washington management service shall be in effect until the director of personnel adopts rules in chapter 356-56 WAC replacing this section and encompassing all classified managerial employees subject to the provisions of chapter 41.06 RCW.

[Statutory Authority: Chapter 41.06 RCW and RCW 41.06.500. 94-01-126, § 356-56-021, filed 12/17/93, effective 1/18/94.]

WAC 356-56-030 Equal opportunity and affirmative action. (1) Washington management service policies and practices shall not discriminate on the basis of race, creed, color, national origin, sex, age, marital status, veteran status, sexual orientation, or the presence of any sensory, mental, or physical disability.

(2) Each agency will include Washington management service positions in its affirmative action plans required by chapter 356-09 WAC. Each agency will be accountable for

establishing procedures, goals, timetables, and record keeping and monitoring procedures for Washington management service positions as part of its affirmative action program.

[Statutory Authority: Chapter 41.06 RCW and RCW 41.06.500. 94-01-126, § 356-56-030, filed 12/17/93, effective 1/18/94.]

WAC 356-56-035 Definitions. (1) **Anchor positions.** Generic anchor positions are those which are found in many agencies; they are commonly understood and similarly used from agency to agency. Agency-specific anchor positions are those anchor positions in each agency which are commonly understood and similarly used throughout the agency.

(2) **Appointing authority.** A person or group of persons designated by the agency head to make appointments, impose formal discipline or otherwise regulate personnel matters.

(3) **Management bands.** A series of management levels included in the Washington management service. Placement in a band reflects the nature of management, decision-making environment and policy impact, and scope of management accountability and control assigned to the position.

(4) **Salary level.** A range of ten percent higher and lower than the salary assigned to the position.

(5) **Washington general service.** The system of personnel administration that applies to classified employees or positions under the jurisdiction of chapter 41.06 RCW and exclusively under those chapters of Title 356 WAC that are adopted by the Washington personnel resources board.

(6) **Washington management service.** The system of personnel administration that applies to classified managerial employees or positions under the jurisdiction of RCW 41.06.022 and 41.06.500 and those chapters of Title 356 WAC that are adopted by the director of personnel.

[Statutory Authority: Chapter 41.06 RCW and RCW 41.06.500. 94-01-126, § 356-56-035, filed 12/17/93, effective 1/18/94.]

WAC 356-56-050 Transition. (1) Until such time that an agency completes the initial evaluation of the position (as described in WAC 356-56-105) or changes the position, the incumbent and position when initially placed in the Washington management service will:

(a) Retain current salary;

(b) Continue to receive periodic increments as specified in WAC 356-14-110 within the forty-five thousand dollar salary limit set by the 1993 legislature;

(c) Immediately assume permanent status in the Washington management service for permanent status employees;

(d) Obtain permanent status upon completion of the probationary or trial service time period for employees in trial service or probationary status at the time of transition; and,

(e) Continue in the current work period designation until changed by the agency.

(2) Until all positions in an agency are evaluated in accordance with WAC 356-56-105, employees shall be treated in accordance with WAC 356-30-330 should a reduction in force occur.

(3) Permanent status employees who are in project positions at the time their regular positions are placed in the

Washington management service, have return rights to the same or similar Washington management service positions.

[Statutory Authority: Chapter 41.06 RCW and RCW 41.06.500. 94-01-126, § 356-56-050, filed 12/17/93, effective 1/18/94.]

WAC 356-56-100 Compensation policy and practice. (1) Each agency has the overall responsibility for effectively managing and properly budgeting for salaries for its Washington management service positions. Each agency shall develop policies and procedures, consistent with chapter 356-56 WAC and guidelines established by the department of personnel, for fair and objective internal salary administration. In developing and administering these policies and procedures, each agency will adhere to the following:

(a) In all aspects of compensation administration, no agency policy or procedure shall be negotiated or agreed to that reduces an agency's flexibility and discretion in assigning salaries, making salary adjustments, or other pay practices.

(b) Point factor evaluations of anchor positions will provide a framework for the evaluations of the remaining positions in the Washington management service. The department of personnel will participate in re-evaluations of generic anchor positions.

(c) Each agency will identify agency-specific anchor positions which are generally used the same throughout the agency.

(2) The salary for each position shall have a relationship to both its point factor evaluation and the prevailing market rate.

[Statutory Authority: Chapter 41.06 RCW and RCW 41.06.500. 94-01-126, § 356-56-100, filed 12/17/93, effective 1/18/94.]

WAC 356-56-105 Position evaluation—Assignment to management bands. Management bands are a series of management levels included in the Washington management service. Placement in a band reflects the nature of management, decision-making environment and policy impact, and scope of management accountability and control assigned to the position. Each agency will evaluate its positions using a managerial point factor system developed by the department of personnel. The number of points resulting from the evaluation will determine to which management band a position is assigned.

[Statutory Authority: Chapter 41.06 RCW and RCW 41.06.500. 94-01-126, § 356-56-105, filed 12/17/93, effective 1/18/94.]

WAC 356-56-115 Salary adjustments. (1) Adjustments to the compensation for a position with no change in point factor evaluation shall not exceed the maximum or fall below the minimum amount set by the director of personnel for the management band. Normally, salary adjustments initiated by the agency will not exceed ten percent for a single fiscal year. Requests for exception may be granted only by the director of personnel. Salary adjustments may be made under the following conditions:

- (a) Legislatively directed general and/or special increase;
- (b) Documented recruitment and/or retention problems as approved by the agency director or designee;

(c) Documented agency and/or state internal salary relationship problems, as approved by the agency director or designee; or

(d) Progression adjustments may be granted during the first four years following hire or promotion (in accordance with WAC 356-56-205(1)). An agency may adjust an employee's pay by up to five percent annually in recognition of the employee's demonstrated growth and development.

(i) An employee who transitions into Washington management service shall continue to receive an annual increment until the employee's salary reaches the maximum of the range assigned to the former job classification.

(ii) Progression adjustments must be within the forty-five thousand dollar salary limit established by the 1993 legislature until such time as the limit is changed or removed.

(2) Voluntary movement to a position of a lesser point factor evaluation may result in a salary decrease which exceeds ten percent.

(3) A promotion is the assignment of additional responsibilities which results in a higher point factor evaluation in the same position, or movement to a different position that has a higher point factor evaluation. Increases in salary made to meet the new point factor evaluation may exceed ten percent.

(4) A disciplinary demotion is the assignment of responsibilities which results in a lower point factor evaluation in the same position, or movement to a different position that has a lower point factor evaluation. The resulting salary decrease may exceed ten percent and must be in conformance with the provisions of the Fair Labor Standards Act. A disciplinary reduction in salary in conformance with the Fair Labor Standards Act may also exceed ten percent.

(5) Involuntary downward movement based on a non-disciplinary reassignment of duties that results in a lower point factor evaluation of an employee's present position shall not cause a decrease in the employee's current salary. The employee's current salary will be retained until such time as it is exceeded by the new salary level or the employee leaves the position.

(6) An agency may provide a lump sum recognition payment within guidelines established by the department of personnel in recognition of documented exceptional work and performance results. Such recognition compensation shall not become a permanent salary increase but is considered to be income for the documented exceptional work and performance results. A payment made as a lump sum for recognition purposes shall be included within the ten percent annual adjustment limitation in the fiscal year in which it is paid.

[Statutory Authority: Chapter 41.06 RCW and RCW 41.06.500. 94-01-126, § 356-56-115, filed 12/17/93, effective 1/18/94.]

WAC 356-56-120 Other pay practices. (1) Each agency shall be responsible for determining the work period designation for each of its positions in accordance with the federal Fair Labor Standards Act. For positions covered by the overtime provisions of the Fair Labor Standards Act, pay shall be administered as prescribed by chapter 356-15 WAC.

(2) Leave accrual and use and holiday time will be administered as prescribed in chapter 356-18 WAC.

[Statutory Authority: Chapter 41.06 RCW and RCW 41.06.500. 94-01-126, § 356-56-120, filed 12/17/93, effective 1/18/94.]

WAC 356-56-125 Salary surveys. Every even-numbered year the department of personnel shall conduct a survey of selected management positions and pay practices to determine the general competitiveness of the management band salary structure and salaries paid to specific surveyed positions. Salary survey recommendations will be forwarded to the office of the governor and to the legislature. Additional surveys may be conducted, or other survey information used, by the department of personnel to make specific salary recommendations for Washington management service positions.

[Statutory Authority: Chapter 41.06 RCW and RCW 41.06.500. 94-01-126, § 356-56-125, filed 12/17/93, effective 1/18/94.]

WAC 356-56-200 Recruitment and selection policy and practice. Each agency shall develop policies and procedures for filling positions and for employee movement that will best meet client, employee, management, and organizational needs.

(1) Policies and procedures for recruitment and selection will be inherently flexible, permitting methods and strategies to be varied and customized for each recruitment and selection need. In all aspects of recruitment and selection, no agency policy or procedure shall be negotiated or agreed to if it will reduce the agency's flexibility and discretion in filling a position or moving an employee; provided that, such policies and procedures are consistent with chapter 356-56 WAC.

(2) In developing and administering these policies and procedures, each agency will adhere to the following:

(a) Provide for the ability to consider any or all qualified candidates for hire, promotion, or internal movement.

(b) Ensure that hiring decisions are fair, objective, and based on the evaluation of the knowledge, skills, abilities, and other job related characteristics required for successful job performance.

(c) Support workforce diversity and affirmative action goals.

(d) Consider the career development of the agency's employees and other state employees.

(e) Ensure that hiring decisions are not based on patronage or political affiliation.

(f) Ensure compliance with state and federal laws relating to employee selection and nondiscrimination.

(g) Encourage decentralized and regional administration of the recruitment and selection processes when it is appropriate for the agency.

(h) Encourage notification of the department of personnel when recruiting outside the hiring agency.

[Statutory Authority: Chapter 41.06 RCW and RCW 41.06.500. 94-01-126, § 356-56-200, filed 12/17/93, effective 1/18/94.]

WAC 356-56-205 Movement within Washington management service. (1) A promotion within the Washington management service occurs when an employee's salary is adjusted upward as a result of WAC 356-56-115(3). A

review period may be required as specified in WAC 356-56-220.

(2) There is no required promotional preference when recruiting and selecting for Washington management service positions. However, an agency may determine, on an individual position basis, if it is in the organization's best interest to limit the candidate pool to those eligible for agency or service-wide promotion.

(3) A transfer is the movement of an employee from one position to a different position or movement of a position from one section, department, or geographical location to another. The salary of the employee or the position remains at the same salary level.

(a) An employee and the affected agency or agencies may agree to a transfer within Washington management service, within an agency, or between agencies.

(b) An agency or agencies may transfer an employee or a position with an incumbent to meet client or organizational needs if the new location is within a reasonable commute as defined by the agency.

(c) An agency may transfer a position at any time. However, if the transfer results in an unreasonable commute for the incumbent, and the incumbent does not agree to transfer with the position, the rules on reduction in force as provided in WAC 356-56-550 shall apply.

[Statutory Authority: Chapter 41.06 RCW and RCW 41.06.500. 94-01-126, § 356-56-205, filed 12/17/93, effective 1/18/94.]

WAC 356-56-210 Movement between Washington management service and Washington general service positions. (1) Employees who have attained permanent status, or who have completed six months of the review period in the Washington management service are eligible to compete under promotional recruitments for Washington general service positions.

(2) Permanent employees may transfer from the Washington management service to Washington general service positions if their salary is within the salary range of the Washington general service position.

(3) Permanent employees may transfer from Washington general service to Washington management service positions if their salary is within the salary level of the Washington management service position.

(4) Permanent employees may voluntarily demote between Washington management service and Washington general service positions at a lower pay level than their current permanent position.

[Statutory Authority: Chapter 41.06 RCW and RCW 41.06.500. 94-01-126, § 356-56-210, filed 12/17/93, effective 1/18/94.]

WAC 356-56-215 Acting appointments. An agency may make acting, nonpermanent appointments when necessary to meet organizational needs. Prior to the appointment, the appointing authority will communicate in writing to the employee the length, intent, salary, and other conditions of the appointment. Permanent employees will have the right to resume their previous or similar position at the conclusion of the acting appointment. However, an employee shall not be forced to accept an acting appointment that results in an increase or decrease in salary.

[Statutory Authority: Chapter 41.06 RCW and RCW 41.06.500. 94-01-126, § 356-56-215, filed 12/17/93, effective 1/18/94.]

WAC 356-56-220 Review period—Attaining permanent status. (1) The review period for an appointee to a position within the Washington management service is a period of time to allow the employer to ensure the appointee meets the performance and other requirements of the position.

(2) Based on the nature of the job and the skills of the appointee, the review period will be between twelve and eighteen months as determined by the appointing authority. The appointing authority will inform the appointee in writing at the time of appointment of the length of the review period.

(3) Appointees from outside state service and promotional appointees will attain permanent status in the position upon successful completion of the review period.

(4) An appointing authority may require a permanent employee who transfers or voluntarily demotes to serve a review period.

(5) An employee who is promoted to a different Washington management service position during the review period, will begin a new review period for the new position. The employee will concurrently serve both the original and the new review period and will attain permanent status as a state employee in the original position when the original review period elapses.

(6) An employee who is appointed to a Washington management service position from a Washington general service position while serving a probationary or trial service period in the same or similar occupational field will serve the trial service or probationary period concurrently with the review period. The employee will attain permanent status in the previous job classification once the original probationary or trial service period elapses.

(7) The agency may require a review period when the employee remains in the same position and receives a promotion.

[Statutory Authority: Chapter 41.06 RCW and RCW 41.06.500. 94-01-126, § 356-56-220, filed 12/17/93, effective 1/18/94.]

WAC 356-56-230 Reversion. (1) During the review period, the appointing authority may separate or revert the employee from the position with written notification of the effective date.

(2) If a Washington management service permanent employee is appointed to a position within an agency or to another agency and reverted during the review period, the hiring agency will place the employee in a vacant funded position for which the employee is qualified, and that is comparable to the employee's position and salary prior to the last Washington management service appointment.

(3) Within the first six months of any review period, an employee may voluntarily revert to the position, if vacant and funded, held prior to the employee's first Washington management service appointment or to a similar funded vacant position at the same salary range. If no funded vacancies are available, the employee may request to be placed on the reversion registers for the Washington general

service class in which the employee held status prior to the first Washington management service appointment.

(4) Nothing in this section shall preclude agencies and the reverted employee from reaching mutual agreement on placement of a reverted employee within the Washington management service or within the Washington general service if permitted by the respective rules.

(5) If reversion of a permanent employee appointed to or within the Washington management service results in fewer funded positions than employees entitled to the positions, and the agency consequently conducts a reduction in force, the provisions of WAC 356-56-550 will apply.

(6) Reversion of employees appointed from the Washington general service will be carried out as provided in WAC 356-30-320.

(a) A permanent employee who is appointed from the Washington general service to a Washington management service position with the same agency will retain reversion rights to the class in which the employee held permanent status prior to the appointment.

(b) A permanent employee who is appointed from the Washington general service to a Washington management service position in another agency and is reverted retains the right to return to a funded position in the class and agency in which the employee held permanent status prior to the appointment to the Washington management service. If no vacant funded position is available, the employee may request to be placed on the reversion register as per WAC 356-26-030 (3) and (5) and 356-30-320.

(7) An appointee to a Washington management service position from outside state service who is separated prior to completion of the review period will not attain permanent status, nor have reversion rights to any position within the Washington management service or within the Washington general service.

(8) Employees may not appeal reversion or separation from the review period.

[Statutory Authority: Chapter 41.06 RCW and RCW 41.06.500. 94-01-126, § 356-56-230, filed 12/17/93, effective 1/18/94.]

WAC 356-56-255 Return from exempt service. Return from an exempt appointment will be accomplished as provided in WAC 356-06-055.

[Statutory Authority: Chapter 41.06 RCW and RCW 41.06.500. 94-01-126, § 356-56-255, filed 12/17/93, effective 1/18/94.]

WAC 356-56-400 Training and development. (1) The responsibility for training and development is a collaborative effort among state agencies, managers, and the department of personnel.

(a) Each state agency shall provide development and training opportunities specifically designed to refine and broaden managerial knowledge, skills, and abilities. Diversity and education about the civil service system will be part of this training.

(b) Managers shall be responsible for seeking out and fully participating in opportunities to enhance their knowledge, skills, and abilities.

(2) The department of personnel shall assist state agencies by providing a quality training program and

consultative and technical assistance to help agencies address the development needs of their managers.

[Statutory Authority: Chapter 41.06 RCW and RCW 41.06.500. 94-01-126, § 356-56-400, filed 12/17/93, effective 1/18/94.]

WAC 356-56-410 Tuition reimbursement and educational leave. Each agency shall develop policies for managerial development and training opportunities and criteria for providing textbooks, materials, registration fees, and other training and educational expenses, tuition reimbursement, and educational leave.

[Statutory Authority: Chapter 41.06 RCW and RCW 41.06.500. 94-01-126, § 356-56-410, filed 12/17/93, effective 1/18/94.]

WAC 356-56-420 Human resource development plan. Each agency shall ensure that the development needs of managers are incorporated into the agency's human resource development plan. Each agency is responsible for periodic evaluations of its plan.

[Statutory Authority: Chapter 41.06 RCW and RCW 41.06.500. 94-01-126, § 356-56-420, filed 12/17/93, effective 1/18/94.]

WAC 356-56-440 Performance evaluation. (1) Each agency shall evaluate the performance of its managers during their review periods and at least annually thereafter.

(2) The department of personnel shall provide a performance evaluation system which shall be used by each state agency for evaluation of its managers. Agencies may tailor the managerial evaluation system to fulfill agency-unique needs, provided the emphasis be placed on:

(a) Collaboration and communication between the supervisor and managerial employee during the performance planning and evaluation process;

(b) Planning for and assessment of results;

(c) Preparation of a management development plan; and,

(d) Assessment of those knowledge, skills, and abilities that are critical to effective managerial performance.

[Statutory Authority: Chapter 41.06 RCW and RCW 41.06.500. 94-01-126, § 356-56-440, filed 12/17/93, effective 1/18/94.]

WAC 356-56-500 Disciplinary action. Appointing authorities may demote, suspend, reduce in salary, or dismiss a permanent Washington management service employee for cause. The disciplinary process shall be administered in accordance with WAC 356-34-020 through 356-34-070. However, these actions must be in conformance with the Fair Labor Standards Act.

[Statutory Authority: Chapter 41.06 RCW and RCW 41.06.500. 94-01-126, § 356-56-500, filed 12/17/93, effective 1/18/94.]

WAC 356-56-550 Reduction in force—Agency procedure—Bump options. (1) Washington management service employees may be separated due to reduction in force in accordance with WAC 356-30-330, except that WAC 356-30-330 (3)(d) through (f) and (7) shall not apply. Seniority shall be defined as provided in WAC 356-05-390.

(2) Appointment to vacancies and "bumping" shall occur in accordance with the agency reduction in force plan and the following:

(a) Appointing authorities will seek within the agency a funded vacant position for which the employee has the required job skills that is at the same salary within the Washington management service. If no funded vacancies exist, then the appointing authority shall seek a funded position within the agency at the same or lower salary for which the separated employee has greater seniority, applicable personal work history, and the required job skills as outlined in the agency reduction in force plan. The appointing authority will first look within the current management band for equivalent funded positions at the same salary, and if none are found, then progressively to lower salaries. The appointing authority may consider vacant positions within the agency at a higher salary. Lower salary positions are positions where the mid-point salary is lower than the mid-point salary of the current position. Mid-point salary is the resultant salary of the point factor evaluation plus any prevailing rate factor.

(b) Appointing authorities will consider appropriate Washington general service positions within the agency in the same occupational field with the same or similar salary for which the employee is qualified and has held permanent status, prior to considering appropriate Washington management service positions within the agency which have a lower salary.

(c) Permanent Washington management service employees who have no options for the same or similar positions in the Washington management service, and who have held permanent status in the Washington general service, will be afforded reduction in force rights as provided in chapter 356-30 WAC.

[Statutory Authority: Chapter 41.06 RCW and RCW 41.06.500. 94-01-126, § 356-56-550, filed 12/17/93, effective 1/18/94.]

WAC 356-56-600 Appeals. (1) Only disciplinary action as defined in WAC 356-56-500, transfer that is alleged to be an unreasonable commute, disability separation, or reduction in force action directly affecting a permanent Washington management service employee may be appealable to the personnel appeals board as provided in Title 358 WAC.

(2) Decisions on which Washington management service positions shall be eliminated under reduction in force actions shall not be appealable to the personnel appeals board.

[Statutory Authority: Chapter 41.06 RCW and RCW 41.06.500. 94-01-126, § 356-56-600, filed 12/17/93, effective 1/18/94.]

WAC 356-56-610 Reviews. (1) Each agency will develop policies and procedures for conducting an informal review of certain actions with which the affected employee disagrees (except as described in WAC 356-56-600). In developing and administering these policies, the agency will adhere to the following:

(a) The informal review shall be limited to a maximum of three levels of review within the agency.

(b) Informal reviews may be limited to a review of documentation and other relevant information. Review decisions should be prompt.

(c) Except as provided in WAC 356-56-610 (3)(c), the informal review will be conducted by the agency director or designee.

(2) Employee requests for review must be in writing and requested within fifteen calendar days of the action or notification or awareness (whichever was first) of the action to be reviewed.

(3) An agency shall conduct an informal review, at the employee's request, for the following actions:

(a) Salary adjustment (or lack thereof) when the responsibilities of the permanent employee's position have been changed.

(b) Placement actions following reversion of a permanent employee.

(c) Decisions about if a position is included in the Washington management service.

(i) The final agency-internal review shall be conducted by the agency director or designee.

(ii) If the incumbent disagrees with the agency director/designee's decision, he/she may request a review by the director of the department of personnel, provided that such request is made within fifteen calendar days of notification of the decision. Such review will be limited to relevant documents and information and will be final.

(4) Each agency is responsible for identifying and acting upon patterns or trends that signal problems or training needs among its managers.

(5) Each agency shall maintain a record of the number, nature, and outcome of informal reviews.

(6) The director of personnel retains the right to review any review decision rendered by agency heads or designees or any actions taken under the Washington management service.

[Statutory Authority: Chapter 41.06 RCW and RCW 41.06.500. 94-01-126, § 356-56-610, filed 12/17/93, effective 1/18/94.]

WAC 356-56-630 Resignation. Washington management service employees may resign following the provisions of WAC 356-30-250 (1) through (4).

[Statutory Authority: Chapter 41.06 RCW and RCW 41.06.500. 94-01-126, § 356-56-630, filed 12/17/93, effective 1/18/94.]

WAC 356-56-650 Record keeping. Each agency will maintain records of employees in the Washington management service. The records will identify employees as members of the Washington management service, including position numbers and position titles, and track all personnel actions related to them. Agencies will be responsible for reporting statistical information to the department of personnel regarding diversity, applicant flow, and appointments following each selection.

[Statutory Authority: Chapter 41.06 RCW and RCW 41.06.500. 94-01-126, § 356-56-650, filed 12/17/93, effective 1/18/94.]

WAC 356-56-660 Administrative procedures—Rule making. (1) The director of personnel will adopt rules as necessary and appropriate pursuant to RCW 41.06.500 and chapter 356-56 WAC. The director will hold a formal, public meeting to receive comments and a record of proceedings will be maintained.

(2) The meetings in which the director of personnel receives comments on rule proposals shall be conducted in a facility and manner that reasonably accommodates the needs of persons with disabilities.

(3) Interested parties may participate in the formulation of rules or amendments thereto by offering proposals for the director's consideration. As necessary, informal meetings of interested parties and department of personnel staff may be called prior to presenting rule proposals to the director.

[Statutory Authority: Chapter 41.06 RCW and RCW 41.06.500. 94-01-126, § 356-56-660, filed 12/17/93, effective 1/18/94.]

Title 359 WAC PERSONNEL RESOURCES BOARD

Chapters

359-07 Public records.

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Chapter 359-07 WAC PUBLIC RECORDS

WAC

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WAC 359-07-010 Purpose. The purpose of this chapter shall be to ensure compliance by the department of personnel with the provisions of chapter 42.17 RCW, Disclosure—Campaign finances—Lobbying—Records; and in particular with sections 25 through 32 of that act (RCW 42.17.250 through 42.17.350), dealing with public records.

[Statutory Authority: Chapter 41.06 RCW and RCW 41.06.150. 94-02-032, § 359-07-010, filed 12/29/93, effective 1/1/95.]

WAC 359-07-020 Public records—Writings—Defined. (1) "Public record" includes any writing containing information relating to the conduct of government or the performance of any governmental or proprietary function prepared, owned, used or retained by any state or local agency regardless of physical form or characteristics.

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

(3) Both "public records" and "writings" as described in subsections (1) and (2) of this section are the property of the state of Washington and, in accordance with chapter 40.14 RCW, require the authority of the state records committee before their disposal may be accomplished.