

(3) A special group recreation event permit shall be issued only for recreational events where there is a reasonable expectation that a minimum of twenty persons will participate. The event must be oriented towards a recreational pursuit. Not more than three permits will be issued to a given applicant for the same event during a one-year period. The group recreation activity must be consistent with the seashore conservation area (RCW 43.51.650 through 43.51.685), and may include an activity otherwise excluded under this chapter. Special group recreation events shall not exceed three days or seventy-two hours.

(4) Persons or organizations that desire to conduct a special group recreation event on the ocean beaches shall submit a permit application provided by the director and appropriate fees to the:

Washington State Parks and
Recreation Commission
7150 Cleanwater Lane
P.O. Box 42650
Olympia, WA 98504-2650

Such application shall be submitted at least fifteen days in advance of the proposed date of the event, to allow for necessary internal review and analysis, consultation with local governments, public notice, establishment of permit conditions, and required agency preparations and coordination. The director or his/her designee shall approve or disapprove a permit application and establish the conditions for an approved application. The permittee must pay any fees published by state parks for the use of park lands or facilities. The director or the designee shall determine the need for any fees necessary to cover costs incurred by the agency, as well as the need for any bond, damage deposit, or liability insurance arising from any potential hazards associated with the character of the event. Any such fees, bond, damage deposit, or liability insurance shall be provided prior to the issuance of the permit.

(5) If additional costs are incurred by the commission resulting from the event, the applicant shall reimburse the commission for such costs in a timely manner. If the additional costs are not paid, the director may recover such costs from the bond or damage deposits provided if previously required. Any funds remaining from the bond or damage deposit shall be returned to the applicant.

[Statutory Authority: RCW 43.51.040 and [43.51.]060. 95-22-067, § 352-37-200, filed 10/30/95, effective 1/1/96. Statutory Authority RCW 43.51.040. 90-07-050, § 352-37-200, filed 3/19/90, effective 4/19/90.]

Chapter 352-68 WAC WATER TRAIL PROGRAMS

WAC

352-68-100 Water trail permit—Issuance.

WAC 352-68-100 Water trail permit—Issuance. Permits will be issued on a calendar year basis by the commission or its designee upon payment of the permit fee as published by state parks. A valid permit entitles the holder to the use of all designated water trail sites that are open for public use.

[Statutory Authority: RCW 43.51.040 and [43.51.]060. 95-22-067, § 352-68-100, filed 10/30/95, effective 1/1/96. Statutory Authority: RCW 43.51.440. 94-23-009, § 352-68-100, filed 11/3/94, effective 12/4/94.]

Chapter 352-74 WAC FILMING WITHIN STATE PARKS

WAC

352-74-045 Filming fees.

WAC 352-74-045 Filming fees. (1) Permit application fee - each application shall be accompanied by the appropriate application fee, based on the amount of time between the date of application and the date of facility use, which shall be in the form of a check or money order payable to the Washington state parks and recreation commission.

(2) Site location fee - prior to commencing filming activities or otherwise as specified by the director or the director's designee, each applicant shall pay an additional site location fee, set by the director or the director's designee based on the magnitude and duration of the impact on park resources and normal public use, the uniqueness of the site, and such other considerations as the director or director's designee deem appropriate.

[Statutory Authority: RCW 43.51.040 and [43.51.]060. 95-22-067, § 352-74-045, filed 10/30/95, effective 1/1/96. Statutory Authority: RCW 43.51.040. 94-23-010, § 352-74-045, filed 11/3/94, effective 1/1/95.]

Title 356 WAC PERSONNEL, DEPARTMENT OF

Chapters

- 356-06 General provisions.
- 356-10 Classification.
- 356-14 Compensation plan.
- 356-18 Leave.
- 356-22 Recruitment—Examinations.
- 356-26 Registers—Certification.
- 356-30 Appointments—Separations.
- 356-34 Disciplinary actions--Appeals.
- 356-56 Washington management service.

Chapter 356-06 WAC GENERAL PROVISIONS

WAC

- 356-06-020 Exemptions—Exceptions.
- 356-06-080 Personnel board—Powers—Duties.
- 356-06-100 Director—Powers—Duties.
- 356-06-110 Federal preemption—Fair Labor Standards Act.

WAC 356-06-020 Exemptions—Exceptions. With the exceptions noted in subsection (19) of this section the provisions of these rules do not apply to:

(1) Members of the legislature or to any employee of, or position in, the legislative branch of the state government including members, officers and employees of the legislative council, legislative budget committee, statute law committee, and any interim committee of the legislature.

(2) Judges of the supreme court, of the superior courts or of the inferior courts or to any employee of, or position in the judicial branch of, state government.

(3) Officers, academic personnel and employees of state institutions of higher education, the state board for community college education, and the higher education personnel board.

(4) Employees of the state printing office.

(5) The officers of the Washington state patrol.

(6) Elective officers of the state.

(7) The chief executive officer of each agency.

(8) In the departments of employment security and fisheries, the director and the director's confidential secretary.

(9) In the department of social and health services, the secretary, the secretary's executive assistant, if any; not to exceed six assistant secretaries, thirteen division directors, six regional directors and one confidential secretary for each of the above named officers; not to exceed six bureau directors and all superintendents of institutions of which the average daily population equals or exceeds one hundred residents: *Provided*, That each such confidential secretary must meet the minimum qualifications for the class of secretary 2 as determined by the state personnel board.

(10) In all departments except those mentioned in subsection (8) above, the executive head of which is appointed by the governor, the director, the director's confidential secretary, and the statutory assistant directors.

(11) In the case of a multimember board, commission or committee, whether the members thereof are elected, appointed by the governor or other authority, serve *ex officio*, or otherwise chosen.

(a) All members of such boards, commissions or committees.

(b) If the members of the board, commission or committee serve on a part-time basis and there is a statutory executive officer:

(i) The secretary of the board, commission or committee.

(ii) The chief executive officer of the board, commission or committee.

(iii) The confidential secretary of the chief executive officer of the board, commission or committee.

(c) If the members of the board, commission or committee serve on a full-time basis:

(i) The chief executive officer or administrative officer as designated by the board, commission or committee.

(ii) The confidential secretary to the chairman of the board, commission or committee.

(d) If all members of the board, commission or committee serve *ex officio*:

(i) The chief executive officer.

(ii) The confidential secretary of such chief executive officer.

(12) The confidential secretaries and administrative assistants in the immediate offices of the elective officers of the state.

(13) Assistant attorneys general.

(14) Commissioned and enlisted personnel in the military service of the state.

(15) Resident, student, part-time or temporary employees, and part-time professional consultants as defined by the state personnel board to include:

(a) State and local officials serving *ex officio* and performing incidental administrative duties in the programs of the agency.

(b) Part-time local health officers.

(c) Persons employed on a part-time, or temporary basis for medical, nursing or other professional service and who are not engaged in the performance of administrative duties.

(d) Part-time or temporary employees who are enrolled as full-time students in recognized educational institutions and whose employment is largely to provide training opportunity, and all temporary employees not in federal grant-in-aid programs.

(e) Patient and resident help in the covered institutions.

(f) Skilled and unskilled labor employed temporarily on force account; construction and maintenance projects; or employed on temporary seasonal single phases of agricultural production or harvesting; or as determined by the director of personnel to be equivalent.

(g) Washington state patrol trooper cadets in training for commissioning as troopers in the Washington state patrol.

(16) All officers and employees in those commissions made exempt by legislative action, namely:

(a) Washington state fruit commission.

(b) Washington state apple commission.

(c) Washington state dairy products commission.

(d) Washington state wheat commission.

(e) Officers and employees of any commission formed under the provisions of chapter 15.66 RCW.

(f) Agricultural commissions formed under the provisions of chapter 15.65 RCW.

(17) Up to a total of five senior staff positions of the Western library network under chapter 27.26 RCW responsible for formulating policy or for directing program management of a major administrative unit.

(18) In the department of information services, up to twelve positions in the planning component involved in policy development and/or senior professionals.

(19) Up to five employees of the Washington basic health plan.

(20) Executive assistants, for personnel administration and labor relations in all state agencies employing such executive assistants including but not limited to all departments, offices, commissions, committees, boards, or other bodies subject to the provisions of this chapter and this subsection shall prevail over any provision of law inconsistent herewith unless specific exception is made in such law.

(21) In each agency with fifty or more employees: Deputy agency heads, assistant directors or division directors, and not more than three principal policy assistants who report directly to the agency head or deputy agency head.

(22) In addition to the exemptions specifically provided by this chapter, the state personnel board may provide for

further exemptions pursuant to the following procedures. The governor or other appropriate elected official may submit requests for exemption to the personnel board stating the reasons for requesting such exemptions. The personnel board shall hold a public hearing after proper notice, on requests submitted pursuant to this subsection. If the personnel board determines that the position for which exempting is requested is one involving substantial responsibility for the formulation of basic agency or executive policy or one involving directing and controlling program operations of an agency or a major administrative division thereof, the personnel board shall grant the request and such determination shall be final. The total number of additional exemptions permitted under this subsection shall not exceed one hundred eighty-seven for those agencies not directly under the authority of any elected public official other than the governor, and shall not exceed a total of twenty-five for all agencies under the authority of elected public officials other than the governor. The state personnel board shall report to each regular session of the legislature all exemptions granted under this subsection and subsections (20) and (21) of this section, together with the reasons for such exemptions.

(23) While other provisions of these rules do not apply, the personnel board shall determine salaries and fringe benefits of incumbents in all exempt positions in agencies with positions under the jurisdiction of the personnel board, other than positions listed under subsections (5) through (8), (11)(a) and (b), and (12) through (16) of this section.

[Statutory Authority: RCW 41.06.150. 95-19-054, § 356-06-020, filed 9/15/95, effective 10/16/95. Statutory Authority: RCW 41.06.040 and 41.06.150. 90-12-027 (Order 353), § 356-06-020, filed 5/30/90, effective 6/30/90. Statutory Authority: RCW 41.06.150. 87-24-028 (Order 287), § 356-06-020, filed 11/24/87, effective 1/1/88; 85-21-113 (Order 237), § 356-06-020, filed 10/23/85, effective 12/1/85; 85-19-078 (Order 230), § 356-06-020, 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), § 356-06-020, filed 8/10/84. Statutory Authority: RCW 41.06.150(17). 80-06-032 (Order 143), § 356-06-020, filed 5/9/80, effective 6/12/80; 79-12-012 (Order 137), § 356-06-020, filed 11/13/79; 78-05-025 (Order 119), § 356-06-020, filed 4/14/78; Order 63, § 356-06-020, filed 2/26/74; Order 37, § 356-06-020, filed 8/17/71, effective 9/17/71; Order 36, § 356-06-020, filed 7/1/71, effective 8/1/71. Formerly WAC 356-04-020.]

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, 1995, in adopting these revisions the board shall comply with RCW 41.06.150(15) and 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 increments 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 within the classified service.

(p) Compliance with existing veterans preference statutes.

[Statutory Authority: RCW 41.06.150. 95-19-054, § 356-06-080, filed 9/15/95, effective 10/16/95. 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.]

WAC 356-06-100 Director—Powers—Duties. (1)

The director of personnel shall direct and supervise all the department of personnel's administrative and technical activities in accordance with the provisions of the state civil service law and the rules and regulations approved and promulgated thereunder. The director shall prepare proposed rules and regulations for consideration by the board.

(2) The director shall establish a department completely separate from other state agencies and shall select a staff of assistants whose employment shall be subject to the provisions of these rules.

(3) The director shall serve as secretary to the board.

(4) The director may delegate authority to subordinates to act for him or her in carrying out duties duly assigned to the director in merit system rules. Such delegations of

authority shall be in writing and the board shall be notified of them.

(5) The director of personnel may delegate to any agency the director's authority to perform administrative and technical personnel activities if such authority is requested. When an agency requests a delegation of the director's authority, the requesting agency shall concurrently send a copy of the request to any affected exclusive representative. After an authority has been delegated, if an employee or the employee's exclusive representative files a written complaint with the director regarding a delegated authority, the director shall conduct a timely investigation. If the director of personnel determines that an agency is not appropriately performing delegated activities, the director may withdraw from the agency the authority to perform such activities.

[Statutory Authority: RCW 41.06.150, 95-19-098, § 356-06-100, filed 9/20/95, effective 11/1/95; Order 71, § 356-06-100, filed 12/30/74; Order 36, § 356-06-100, filed 7/1/71, effective 8/1/71. Formerly WAC 356-04-130.]

WAC 356-06-110 Federal preemption—Fair Labor Standards Act. Agencies shall comply with the personnel resources board rules (Title 356 WAC) unless doing so causes them to violate the Fair Labor Standards Act.

[Statutory Authority: Chapter 41.06 RCW and RCW 41.06.150, 95-03-090, § 356-06-110, filed 1/18/95, effective 3/1/95.]

**Chapter 356-10 WAC
CLASSIFICATION**

WAC

356-10-020 Classification plan—Revision.

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) However, beginning July 1, 1995, in adopting these revisions the board shall comply with RCW 41.06.150(15) and chapter 43.88 RCW.

[Statutory Authority: RCW 41.06.150, 95-19-054, § 356-10-020, filed 9/15/95, effective 10/16/95. 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.]

**Chapter 356-14 WAC
COMPENSATION PLAN**

WAC

356-14-110 Salary—Periodic increment dates—Original—Subsequent.

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.

(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 service 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 41.06.150, 95-19-054, § 356-14-110, filed 9/15/95, effective 10/16/95. 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.]

**Chapter 356-18 WAC
LEAVE**

WAC

356-18-140 Leave without pay.
356-18-220 Leave without pay—Effect on anniversary date, periodic increment date, and seniority.

WAC 356-18-140 Leave without pay. (1) Leave without pay may be allowed when such leave will not operate to the detriment of the state service.

(2) Leave without pay may be authorized for any reasons applicable to:

- (a) Leave with pay.
- (b) Educational leave.
- (c) Newborn or adoptive child care leave as provided in WAC 356-18-150.

(d) Military and U.S. Public Health Service and Peace Corps leave.

(e) Specific leaves granted for government service in the public interest upon specific request of an employee, concurred in by the appointing authority.

(f) Leave taken voluntarily to reduce the effect of an agency reduction in force. Such leave shall not affect an employee's seniority.

(g) Leave that is authorized in advance by the appointing authority as part of a plan to reasonably accommodate a person of disability (as defined in WAC 356-05-260).

(3) Authorized leave without pay shall be limited to not more than 12 months in any consecutive five-year period, except for:

(a) Leaves without pay for military, U.S. Public Health Service or Peace Corps;

(b) Authorized government leave not exceeding two years;

(c) Employees receiving time loss compensation;

(d) Educational leaves under provisions of WAC 356-39-120;

(e) Newborn or adoptive child care leave under provisions of WAC 356-18-150;

(f) Leave taken voluntarily to reduce the effect of an agency reduction in force under the provisions of WAC 356-30-335.

(g) Leave that is authorized in advance by the appointing authority as part of a plan to reasonably accommodate a person of disability (as defined in WAC 356-05-260).

(4) Leave without pay exceeding twelve months in a consecutive five-year period, not covered by the exceptions noted in subsection (3) of this section, shall be treated as unauthorized absence.

(5) Employees returning from authorized leave without pay shall be employed in the same position, or in another or similar position in the same class and in the same geographical area, provided that such return to employment is not in conflict with rules relating to reduction in force.

[Statutory Authority: RCW 41.06.150. 95-19-098, § 356-18-140, filed 9/20/95, effective 11/1/95; 89-06-028 (Order 314), § 356-18-140, filed 2/24/89, effective 4/1/89; 87-02-038 (Order 267), § 356-18-140, filed 1/2/87; 85-11-074 (Order 223), § 356-18-140, filed 5/22/85; 84-23-059 (Order 211), § 356-18-140, filed 11/20/84. Statutory Authority: RCW 41.06.150(17). 81-20-060 (Order 161), § 356-18-140, filed 10/5/81; 79-10-064 (Order 133), § 356-18-140, filed 9/18/79; 78-10-070 (Order 123), § 356-18-140, filed 9/26/78; Order 99, § 356-18-140, filed 2/24/77; Order 69, § 356-18-140, filed 9/30/74; Order 63, § 356-18-140, filed 2/26/74; Order 46, § 356-18-140, filed 5/9/72; Order 36, § 356-18-140, filed 7/1/71, effective 8/1/71. Formerly WAC 356-12-130, 356-12-140 and 356-12-180.]

WAC 356-18-220 Leave without pay—Effect on anniversary date, periodic increment date, and seniority.

(1) Leave without pay of fifteen consecutive calendar days or less will not affect an employee's anniversary date or periodic increment date.

(2) When an employee is on leave without pay for more than fifteen consecutive days, the employee's seniority

anniversary date and periodic increment date will not be affected when the absence is due to any of the following reasons:

(a) Military or United States Public Health Service;

(b) Government service and leave to enter the Peace Corps, not to exceed two years and one month;

(c) Leave taken by employees receiving time loss compensation due to injuries sustained while performing the employee's state job;

(d) Educational leave in accordance with the provisions of WAC 356-39-120;

(e) Leave without pay taken voluntarily under the provisions of WAC 356-30-335 to reduce the effect of an agency reduction in force.

(3) When an employee is on leave without pay for more than fifteen consecutive calendar days and the absence is not due to one of the reasons listed in subsection (2) of this section, the employee's anniversary date and periodic increment date shall be moved forward in an amount equal to the duration of the leave of absence.

(4) When an employee's position is assigned to a program or facility whose primary purpose is academic and/or vocational education, and the program or facility follows the customary public school practice of less than a twelve-month school year, the employing agency may place the employee on leave without pay while the program or facility is closed for customary school vacations without adjusting the employee's anniversary and periodic increment dates.

(5) Leave without pay taken for any of the reasons listed in subsection (2) of this section shall not affect an employee's seniority.

[Statutory Authority: RCW 41.06.150. 95-19-098, § 356-18-220, filed 9/20/95, effective 11/1/95. Statutory Authority: RCW 41.06.040 and 41.06.150. 92-12-033 (Order 403), § 356-18-220, filed 5/28/92, effective 7/1/92. Statutory Authority: RCW 41.06.150. 89-16-030 (Order 327), § 356-18-220, filed 7/25/89, effective 9/1/89; 89-06-028 (Order 314), § 356-18-220, filed 2/24/89, effective 4/1/89; 87-02-038 (Order 267), § 356-18-220, filed 1/2/87. Statutory Authority: RCW 41.06.150(17). 81-20-060 (Order 161), § 356-18-220, filed 10/5/81; 78-10-070 (Order 123), § 356-18-220, filed 9/26/78; Order 36, § 356-18-220, filed 7/1/71, effective 8/1/71. Formerly WAC 356-12-200.]

Chapter 356-22 WAC

RECRUITMENT—EXAMINATIONS

WAC

356-22-070	Applications—Disqualification.
356-22-130	Examinations—Minimum qualifications waived or modified—Examinations modified.

WAC 356-22-070 Applications—Disqualification.

The director of personnel or agency designee with local list authority 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 41.06.150. 95-19-098, § 356-22-070, filed 9/20/95, effective 11/1/95. 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 356-22-130 Examinations—Minimum qualifications waived or modified—Examinations modified. (1) Upon the written request of the appointing authority, the director of personnel or agency designee with local list authority may waive or modify the minimum qualifications for a class to fill a vacant position on a one-time basis only when (a) there is an incomplete register following recent recruiting or recruitment history data for the particular geographic location indicate that open competitive recruitment would result in an incomplete referral; and (b) an underfill appointment is not feasible in that the position is supervisory or managerial in nature or otherwise requires the full and immediate discharge of duties and responsibilities; and (c) the director of personnel or agency designee with local list authority determines the established minimum qualifications to be appropriate under normal conditions and should not be permanently changed.

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

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

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

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

[Statutory Authority: RCW 41.06.150. 95-19-098, § 356-22-130, filed 9/20/95, effective 11/1/95. Statutory Authority: RCW 41.06.040 and 41.06.150. 91-03-071 (Order 369), § 356-22-130, filed 1/16/91, effective 3/1/91. Statutory Authority: RCW 41.06.150(17). 80-06-033 (Order 144), § 356-22-130, filed 5/9/80; 78-06-017 (Order 120), § 356-22-130, filed 5/12/78; Order 80, § 356-22-130, filed 7/16/75, effective 8/16/75; Permanent and Emergency Order 50, § 356-22-130, filed 10/19/72; Order 36, § 356-22-130, filed 7/1/71, effective 8/1/71. Formerly WAC 356-24-024.]

Chapter 356-26 WAC

REGISTERS—CERTIFICATION

WAC

356-26-070

356-26-080

356-26-090

Certification—Registers—Order of rank—Exception.

Certification—Exhausted registers—Procedure.

Certification—Underfill.

WAC 356-26-070 Certification—Registers—Order of rank—Exception. The director of personnel will normally certify names from the registers in the following order:

- (1) Agency reduction in force register.
- (2) Service-wide reduction in force register.
- (3) Dual-agency reversion register.
- (4) Agency promotional register.
- (5) Higher education reduction in force register.
- (6) Service-wide reversion register.
- (7) Transfer register.
- (8) Voluntary demotion register.
- (9) Service-wide promotional register.
- (10) Reemployment unranked register.
- (11) Inter-system employment register.
- (12) Open competitive register.

However, if the director of personnel or agency designee with local list authority establish that it is in the best interest of the state to broaden the competition, agencies may request the director of personnel or agency designee to certify names combined from registers (4), (9), (11), and (12) provided:

(a) The written request to the director or agency designee shall be evidence of assurance that:

(i) Such a request will not harmfully affect utilization of protected group members who are applicants for this class.

(ii) If the position is within a collective bargaining unit, the exclusive representative has been provided a copy of the request.

(iii) That the request is in the best interest of the state and not solely intended to circumvent the policy of promotion from within the state as provided in WAC 356-30-150.

(b) Request for combined registers must be made on a position-by position or a class basis and prior to recruitment or referral.

[Statutory Authority: RCW 41.06.150. 95-19-098, § 356-26-070, filed 9/20/95, effective 11/1/95. Statutory Authority: Chapter 41.06 RCW and

RCW 41.06.150. 94-10-008, § 356-26-070, filed 4/21/94, effective 5/31/94. Statutory Authority: RCW 41.06.150. 84-11-091 (Order 204), § 356-26-070, filed 5/23/84, effective 9/1/84; 83-09-030 (Order 183), § 356-26-070, filed 4/15/83. Statutory Authority: RCW 41.06.150(17). 81-20-060 (Order 161), § 356-26-070, filed 10/5/81; 79-12-072 (Order 138), § 356-26-070, filed 11/30/79, effective 1/1/80; Order 72, § 356-26-070, filed 1/30/75; Order 36, § 356-26-070, filed 7/1/71, effective 8/1/71. Formerly WAC 356-20-030.]

WAC 356-26-080 Certification—Exhausted registers—Procedure. (1) While all names need not be taken from the same register, each register must be exhausted before using the next register.

(2) When there are fewer names than constitute a complete certification for the class, the director or agency designee with local list authority may substitute an allied series of registers if he/she determines the allied registers are sufficiently similar.

(3) When there are fewer names than constitute a complete certification for the class and no allied register is determined appropriate, the remaining names on all incomplete registers will be certified. However, an appointing authority may request a temporary appointment providing full and fair consideration has been given to those names certified, and the director or agency designee with local list authority determines that the person meets the announced qualifications and grants approval.

[Statutory Authority: RCW 41.06.150. 95-19-098, § 356-26-080, filed 9/20/95, effective 11/1/95; 88-18-096 (Order 308), § 356-26-080, filed 9/7/88, effective 11/1/88; Order 36, § 356-26-080, filed 7/1/71, effective 8/1/71. Formerly WAC 356-20-040.]

WAC 356-26-090 Certification—Underfill. (1) The director of personnel or agency designee with local list authority may authorize the underfilling of a position if a register does not have enough names for a complete certification following active recruiting. Upon such authorization, a certification shall be made from the next lower class in the series or an allied class as determined by the director or agency designee. Only the number of eligibles needed to complete the certification will be referred from the lower level class in the series or the allied class.

(2) Eligibles so certified shall be advised during the employment interview with the appointing authority of the underfill status of the appointment, which shall be confirmed in writing.

(3) An underfilled position shall not be certified against from a subsequently developed higher register unless: The employee does not successfully complete the probationary or trial service period or the employee does not qualify for the higher level class within four months after being admitted to the examination.

(4) Should the employee not qualify for promotion, the rules regarding transfer, promotion, demotion, or reduction in force shall apply.

[Statutory Authority: RCW 41.06.150. 95-19-098, § 356-26-090, filed 9/20/95, effective 11/1/95; 87-03-032 (Order 269), § 356-26-090, filed 1/14/87, effective 3/1/87; Order 36, § 356-26-090, filed 7/1/71, effective 8/1/71. Formerly WAC 356-20-044.]

Chapter 356-30 WAC APPOINTMENTS—SEPARATIONS

WAC

356-30-135 In-training appointments.
356-30-145 Project employment.

WAC 356-30-135 In-training appointments. (1) The director of personnel or designee, upon request from an agency after the agency has consulted with the exclusive representative, may designate specific positions, groups of positions, or entire classes of positions, as in-training positions. The request or documentation shall include a description and length of the training program. The training program shall include one or more of the following components:

(a) On-the-job training (knowledge and skill developed through experience);

(b) Classroom or field instruction;

(c) Courses conducted by an educational institution, vocational school or professional training organization;

(d) Written, oral and/or practical examination(s).

(2) Positions designated as in-training may be at any level within a class series or related series provided that positions whose primary responsibility involves supervision will not normally be designated as in-training.

(3) In-training positions may be filled at any level within the designated class series or related series in accordance with the rules governing appointments to permanent positions.

(4) The employee will automatically advance to the higher level after satisfactory completion of the training program requirements for the lower level.

(5) Agency training programs shall confine in-training time at each training class level to a period of not less than six months and not more than twenty-four months. The class level occupied by a trainee shall determine the level of the position to be used to pay and evaluate the trainee.

(6) Employees will serve a probationary period or trial service period at each level within the in-training series. When employees are in their probationary or trial service period and are advanced to the next highest level in the in-training class series, they shall complete the terms of the original probationary or trial service period.

(7) Employees who fail to progress through each level of the in-training series will be subject to the following actions:

(a) Employees in probationary status: Employees who enter positions, without first attaining permanent status, may be dismissed during their probationary period if they fail to meet the required standards of the in-training position.

(b) Employees in trial service status: Permanent employees who are promoted into in-training positions and who are unsuccessful in completing their trial service period shall, at the discretion of the agency, either be returned to their former class and position or have reversion rights to their former class and status held prior to promotion into the in-training series. This does not preclude the employee's eligibility for transfer or voluntary demotion.

(c) Employees with permanent status in an in-training position: Employees who have completed their probationary or trial service period but are unsuccessful in attaining

subsequent advancement through the in-training series may be removed from the in-training series under the provisions of WAC 356-34-010. This does not preclude the employee's eligibility for transfer or voluntary demotion.

(8) Time spent in nonpermanent appointments in an in-training position prior to a permanent appointment into the position shall not normally be credited as part of the in-training period. After permanent appointment to an in-training position, time spent in a non-permanent appointment to a higher level within the in-training series shall be credited as part of the training period for the lower level but the time shall not be credited toward completion of the training period for the higher level. Exceptions will be considered during the review of the request.

(9) Time spent in a position prior to an in-training designation shall not normally be credited as part of the training period. Exceptions will be considered during the review of the request.

(10) Transfer of an employee from one in-training position to another in-training position at the same level within the series shall not extend the training period.

(11) The director of personnel may delegate authority to an agency designee with local list authority to designate specific positions, groups of positions, or entire classes of positions, as in-training positions, after the agency has consulted in advance with the exclusive representative.

[Statutory Authority: RCW 41.06.150, 95-19-098, § 356-30-135, filed 9/20/95, effective 11/1/95. Statutory Authority: RCW 41.06.040 and 41.06.150, 91-02-030 (Order 366), § 356-30-135, filed 12/24/90, effective 2/1/91.]

WAC 356-30-145 Project employment. (1) Project employment when designated by the director, is the grouping together of employees whose length of employment is contingent on state, federal or other grant funding of specific and of time limited duration.

(2) The designation of competitive project employment will be initiated and approved by the director of personnel, or authorized proposing agency designee. Such designation documentation will include:

- (a) The nature and scope of the program.
- (b) Source and conditions of funding.
- (c) Explanation of why project status should be used rather than regular classified service.
- (d) Explanation of why competitive service is not practical to use if noncompetitive service is requested.
- (e) Relationship of project to regular operations and programs of the agencies.
- (f) Number of positions.
- (g) Duration.
- (h) Proof of notice to the employee organizations affected in advance of the project.
- (i) Project employees benefits.

(3) The director or agency designee may extend a project beyond its scheduled term.

(4) Permanent employees in regular positions may transfer, promote, or voluntarily demote into project employment positions as provided by these rules unless prohibited by the contract that established the project.

(5) Positions in project employment will be in the competitive service unless the director determines otherwise.

Grounds such as special requirements of the project contract, insufficient time to recruit and unavailability of a register, or other circumstances where a competitive exam is not practicable may warrant use of the noncompetitive service. Requests to the director for noncompetitive project positions shall include all of the information in (2) above.

(6) Employees hired into project positions must be notified, in writing, of the expected ending date of their employment.

(7) Project employees who have entered into project employment without permanent status, will gain permanent project status upon completion of their probationary period and shall be entitled to appropriate rights within project employment and to those outlined below.

(a) Once permanent project status has been gained, project employees may have their names placed on the transfer or voluntary demotion register for regular positions in the same or similar job classes for which permanent project status has been gained.

(b) Permanent project employees who entered project employment via the noncompetitive process must be certified from the appropriate register in order to transfer, voluntarily demote, or promote directly into regular positions. These employees may continue to apply for regular positions via the open competitive route.

(c) Permanent project employees who entered project positions via the competitive process may transfer, voluntarily demote, or apply as promotional candidates to regular classified positions as though they were permanent employees unless permanent employees have been prohibited from competing for the project positions.

(d) Project employees who have gained permanent project status, and transfer or voluntarily demote into a regular position, will not be required to serve a probationary period.

(e) Project employees who are currently on the registers will continue to be on the registers and may be certified as provided in these rules.

(8) Employees who left a state agency with permanent status and came directly into project employment will continue to have promotional opportunities and transfer rights of their former position as though they were still employed in that agency.

(9) Project employees will have reduction in force rights within their project boundaries only and will compete according to "seniority," except permanent employees who left regular classified positions to accept project employment will have the reduction in force rights of the position they left. Time spent in project employment will also be credited to the employees' seniority for use in competing in the regular state positions, provided there is no break in service. Names of project employees separated by reduction in force actions, who did not leave regular classified positions to accept project employment, will be placed on the reemployment register WAC 356-26-030(9) for the usual life of that register. Upon reduction in force from the project, project employees who entered the project through the competitive process and remain in project status for two years shall be eligible to have their names placed on the agency reduction in force registers for the classes in which permanent project

status was attained. Bumping options will be limited to the project boundaries.

(10) The time spent in project employment will also be credited toward periodic increment dates, annual leave, sick leave and other benefits provided to employees in these rules.

[Statutory Authority: RCW 41.06.150. 95-19-098, § 356-30-145, filed 9/20/95, effective 11/1/95; 88-18-096 (Order 308), § 356-30-145, filed 9/7/88, effective 11/1/88; Order 112, § 356-30-145, filed 11/7/77; Order 74, § 356-30-145, filed 3/7/75; Order 51, § 356-30-145, filed 12/19/72; Order 47, § 356-30-145, filed 6/14/72; Permanent and Emergency Order 39, § 356-30-145, filed 9/15/71.]

Chapter 356-34 WAC

DISCIPLINARY ACTIONS—APPEALS

WAC

356-34-030 Suspension—Duration—Procedure.

WAC 356-34-030 Suspension—Duration—Procedure. Appointing authorities may suspend a permanent employee without pay for cause as specified in these rules.

The period of suspension for employees shall not exceed fifteen calendar days for a single penalty or a total of thirty calendar days in any calendar year as a result of several penalties per RCW 41.06.170. The specified charges and duration of the action shall be furnished in writing to the employee not later than one calendar day after the suspension becomes effective. Notice to the employee shall be made in the manner described in WAC 356-34-045. No qualifying time or seniority shall be denied for any period of suspension.

[Statutory Authority: Chapter 41.06 RCW and RCW 41.06.150. 95-03-090, § 356-34-030, filed 1/18/95, effective 3/1/95. Statutory Authority: RCW 41.06.040 and 41.06.150. 92-20-025 (Order 410), § 356-34-030, filed 9/28/92, effective 11/1/92; 90-01-111 (Order 330), § 356-34-030, filed 12/20/89, effective 2/1/90. Statutory Authority: RCW 41.06.150. 88-03-043 (Order 292), § 356-34-030, filed 1/19/88, effective 3/1/88; 83-13-091 (Order 186), § 356-34-030, filed 6/17/83; Order 89, § 356-34-030, filed 6/30/76, effective 7/31/76; Order 36, § 356-34-030, filed 7/1/71, effective 8/1/71. Formerly WAC 356-24-350.]

Chapter 356-56 WAC

WASHINGTON MANAGEMENT SERVICE

WAC

356-56-050 Transition.
356-56-115 Salary adjustments.

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

(d) 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) Upon transition of their current position from Washington general service into the Washington management service, incumbent employees eligible to receive periodic increments shall continue to receive annual periodic increments until their salary reaches or exceeds the top step of the former range, as specified in WAC 356-14-110.

(4) 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.

(5) Incumbents of project positions that are transitioned to the Washington management service will retain the return, reduction-in-force, voluntary demotion, transfer and promotion rights and requirements as provided in WAC 356-30-145.

[Statutory Authority: RCW 41.06.500. 95-19-056, § 356-56-050, filed 9/15/95, effective 10/16/95. Statutory Authority: Chapter 41.06 RCW and RCW 41.06.500. 94-20-022, § 356-56-050, filed 9/26/94, effective 10/28/94; 94-12-055, § 356-56-050, filed 5/27/94, effective 7/1/94; 94-01-126, § 356-56-050, 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 evaluation points shall not exceed the maximum or fall below the minimum amount set by the director of personnel for the management band. After the initial transition evaluation, salary adjustments initiated by the agency, other than for promotion or demotion, will not normally exceed a total of ten percent for a single fiscal year. Excluded from the ten percent limit on salary increases are annual periodic increments, legislatively approved increases, movement of a position to the minimum of the band, initial transition evaluation adjustments, and promotional increases. 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 in recognition of the employee's demonstrated growth and development following initial transition, hire, transfer, or a promotion by up to five percent annually, for a maximum total of twenty percent.

(2) Voluntary movement in or to a position of lower evaluation points may result in a salary decrease which exceeds ten percent but does not fall below the minimum amount of the band.

(3) A promotion is the assignment of additional responsibilities which results in higher evaluation points for the same position, or movement to a different position that has higher evaluation points. Promotional increases may exceed ten percent.

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

(5) Involuntary downward movement based on a nondisciplinary reassignment of duties that results in lower evaluation points for 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 Washington management service salary structure 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 compensation shall not become a permanent salary increase but is considered to be income for recognizing 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: RCW 41.06.500. 95-19-056, § 356-56-115, filed 9/15/95, effective 10/16/95. Statutory Authority: Chapter 41.06 RCW and RCW 41.06.500. 94-12-055, § 356-56-115, filed 5/27/94, effective 7/1/94; 94-09-012, § 356-56-115, filed 4/12/94, effective 5/14/94; 94-01-126, § 356-56-115, filed 12/17/93, effective 1/18/94.]

Title 358 WAC PERSONNEL APPEALS BOARD

Chapters

- 358-01** General provisions.
- 358-20** Appeals—Filings—Declaratory rulings.
- 358-30** Hearings—Procedures.

Chapter 358-01 WAC GENERAL PROVISIONS

WAC

- 358-01-042 Personnel appeals board—Regular meetings.
- 358-01-044 Personnel appeals board—Motions calendar, oral and written argument.

WAC 358-01-042 Personnel appeals board—Regular meetings. (1) Regular meetings of the personnel appeals board will be held at 10:00 a.m. every Monday, except holidays, in which case the meeting will be cancelled.

(2) Allowance for public comment on the operational procedures of the personnel appeals board will be included on the agenda of the regular board meeting on the second Monday of every month. The board may invite testimony as to operational procedures from specific organizations or individuals at these meetings.

[Statutory Authority: RCW 41.64.060 and 34.05.220 [(1)](a). 95-07-074, § 358-01-042, filed 3/15/95, effective 4/15/95.]

WAC 358-01-044 Personnel appeals board—Motions calendar, oral and written argument. (1) The board's normal time and place for considering motions, other than motions heard in conjunction with and at the time of hearings, shall be Mondays, except holidays, at 1:30 p.m., in Olympia, Washington. In addition, the board may periodically announce a supplemental calendar of dates and times for considering motions in other locations throughout the state. Except when presented at hearings, all motions shall be submitted in writing. The party making the motion shall note the motion on the board's motions calendar, regardless of whether or not oral argument is requested.

(2) At the request of either party, oral argument shall be allowed for dispositive motions, such as motions to dismiss or motions for summary judgment. Oral argument may be presented by telephone or other electronic media pursuant to WAC 358-30-028. Nondispositive motions shall be considered upon written argument and affidavit only unless the board specifically authorizes oral argument.

[Statutory Authority: RCW 41.64.060 and 34.05.220 [(1)](a). 95-07-074, § 358-01-044, filed 3/15/95, effective 4/15/95.]

Chapter 358-20 WAC

APPEALS—FILINGS—DECLARATORY RULINGS

WAC

- 358-20-010 Appeal from dismissal, demotion, suspension, reduction, dismissal for abandonment or disability separation.
- 358-20-020 Appeal from violation of law or rules.
- 358-20-030 Appeal of allocation or reallocation.
- 358-20-032 Appeal from exemption of position.
- 358-20-040 Filing appeals.

WAC 358-20-010 Appeal from dismissal, demotion, suspension, reduction, dismissal for abandonment or disability separation. Any permanent employee subject to the statutory jurisdiction of the personnel appeals board who is dismissed, demoted, suspended, reduced in pay, dismissed for abandonment or given a disability separation may appeal to the personnel appeals board.

[Statutory Authority: RCW 41.64.060 and 34.05.220 [(1)](a). 95-07-074, § 358-20-010, filed 3/15/95, effective 4/15/95. Statutory Authority: Chapter 41.64 RCW. 82-01-053 (Order 81-4), § 358-20-010, filed 12/16/81.]

WAC 358-20-020 Appeal from violation of law or rules. An employee who is adversely affected by a violation of the state civil service law (chapter 41.06 RCW) or of the rules promulgated thereunder (Titles 251, 356 and 359 WAC), including rules regarding a layoff or reduction in force, may appeal to the personnel appeals board.

[Statutory Authority: RCW 41.64.060 and 34.05.220 [(1)](a). 95-07-074, § 358-20-020, filed 3/15/95, effective 4/15/95. Statutory Authority: Chapter 41.64 RCW. 82-01-053 (Order 81-4), § 358-20-020, filed 12/16/81.]

WAC 358-20-030 Appeal of allocation or reallocation. An employee incumbent in a position at the time of its