

during customary office hours. The executive secretary or designee shall issue a receipt and an acknowledgment stating the date filed.

**(2) Filing by telephone facsimile.**

(a) The filing of a written communication with the board by telephone facsimile is perfected when a legible copy of the written communication is reproduced on the board's telephone facsimile equipment in Olympia. The hours of operation of the board's telephone facsimile equipment are 8:00 a.m. to 5:00 p.m., Monday through Friday, excluding legal holidays. If a transmission of a written communication commences after these hours of operation the written communication shall be deemed filed on the next succeeding business day.

(b) Any written communication filed with the board by telephone facsimile should be preceded by a cover page identifying the party making the transmission, listing the address, telephone and telephone facsimile number of such party, referencing the appeal to which the written communication relates, and indicating the date of, and the total number of pages included in, such transmission.

(c) No written communication filed by telephone facsimile should exceed fifteen pages in length, exclusive of the cover page required by this rule.

(d) The party attempting to file the written communication by telephone facsimile bears the risk that the written communication will not be timely received or legibly printed on the board's telephone facsimile equipment due to error in the operation or failure of the equipment being utilized by either the party or the board or to the line being busy. If the telephone facsimile is not received in legible form, it will be considered as if it had never been sent.

(e) The original of any document filed by telephone facsimile should be mailed to the board within twenty-four hours of the time that the telephone facsimile was sent.

[Statutory Authority: RCW 41.64.060 and 34.05.220 [(1)](a). 95-07-074, § 358-30-110, filed 3/15/95, effective 4/15/95. Statutory Authority: Chapter 41.64 RCW. 82-01-053 (Order 81-4), § 358-30-110, filed 12/16/81.]

**WAC 358-30-170 Burden of proof.** At any hearing on appeal from a layoff or reduction in force, dismissal, suspension, demotion, reduction in pay, dismissal for abandonment or disability separation the appointing authority shall have the burden of supporting the charges upon which the action was initiated. At any other hearing, the party filing the action shall have the burden of proof.

[Statutory Authority: RCW 41.64.060 and 34.05.220 [(1)](a). 95-07-074, § 358-30-170, filed 3/15/95, effective 4/15/95. Statutory Authority: Chapter 41.64 RCW. 82-01-053 (Order 81-4), § 358-30-170, filed 12/16/81.]

**WAC 358-30-190 Service.** (1) All notices, documents and other papers filed with the board, after the initial filing of the appeal, shall be served upon each of the parties and the hearings examiner to whom the appeal is assigned, if any, all within the time stated. Service shall be made personally, or, except as provided in WAC 358-30-070(1), by first class mail.

(2) Service upon parties shall be regarded as complete when personal service has been accomplished; or by mail

three days after deposit in the United States mail properly stamped and addressed.

[Statutory Authority: RCW 41.64.060 and 34.05.220 [(1)](a). 95-07-074, § 358-30-190, filed 3/15/95, effective 4/15/95. Statutory Authority: Chapter 41.64 RCW. 82-01-053 (Order 81-4), § 358-30-190, filed 12/16/81.]

**WAC 358-30-220 Record for the court—Transcripts on appeal.** (1) By stipulation the parties may agree to shorten the record to be filed with the court. The appellant shall contact counsel for the respondent to discuss stipulating to a shortened record. Either party unreasonably refusing to stipulate to such a limitation may be ordered by the court to pay the additional costs involved.

(2) Within 10 days after filing the notice of appeal, the appellant will notify the board in writing of the portion of the record to be filed.

(3) The transcript certified to the court will be paid for by the board.

(4) The parties may obtain a copy of a transcript to be used on appeal:

(a) If the proceedings before the hearings examiner or board were recorded by a court reporter, a copy of the transcript can be ordered from the court reporter.

(b) If the proceedings were recorded mechanically, a copy can be ordered from the board for a reasonable charge per page.

(5) The board shall transmit to the court a certified transcript of the hearing with exhibits.

[Statutory Authority: RCW 41.64.060 and 34.05.220 [(1)](a). 95-07-074, § 358-30-220, filed 3/15/95, effective 4/15/95. Statutory Authority: Chapter 41.64 RCW. 85-20-001 (Order 85-2), § 358-30-220, filed 9/19/85. Statutory Authority: RCW 41.64.060. 82-14-007 (Order 82-1), § 358-30-220, filed 6/25/82.]

## Title 359 WAC

### PERSONNEL RESOURCES BOARD

#### Chapters

- 359-07 Public records.
- 359-09 Affirmative action.
- 359-39 Human resources training and development.
- 359-48 State internship program.

#### Chapter 359-07 WAC

##### PUBLIC RECORDS (Effective January 1, 1997)

#### WAC

359-07-010	Purpose.
359-07-020	Public records—Writings—Defined.
359-07-030	Description and location of departmental organization.
359-07-040	General method of operation.
359-07-050	Office hours.
359-07-055	Records index.
359-07-060	Records availability—Copies obtained.
359-07-070	Exemptions—Public records.

**WAC 359-07-010 Purpose. (Effective January 1, 1997.)** 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. 94-23-136 and 95-23-062, § 359-07-010, filed 11/23/94 and 11/16/95, effective 1/1/97; 94-02-032, § 359-07-010, filed 12/29/93, effective 1/1/95.]

**WAC 359-07-020 Public records—Writings—Defined. (Effective January 1, 1997.)** (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.

[Statutory Authority: Chapter 41.06 RCW and RCW 41.06.150. 94-23-136 and 95-23-062, § 359-07-020, filed 11/23/94 and 11/16/95, effective 1/1/97; 94-02-032, § 359-07-020, filed 12/29/93, effective 1/1/95.]

**WAC 359-07-030 Description and location of departmental organization. (Effective January 1, 1997.)**

(1) The central office of the department of personnel is located at 521 Capitol Way S., Olympia, Washington.

(2) The staff is organized in five general areas:

(a) Recruitment division which provides for recruitment, examination, examination development, and certifications.

(b) Compensation and classification division which provides for salary surveys, compensation plan administration, classification, agency services and services to institutions of higher education and related boards.

(c) Human resource development division (located at 600 South Franklin Street, Olympia, Washington) which provides consultation on human resource development activities to agencies, training which is interagency in scope and guidelines for agency planning and evaluation of human resource development.

(i) Within the human resource development division, the employee advisory service offices are at the following locations: 3400 Capitol Boulevard, Olympia, Washington; 613 - 19th Avenue E., Suite 101, Seattle, Washington; and at Suite 604, Northtown Office Building, Spokane, Washington.

(d) Administrative division which provides departmental fiscal management, facilities, word processing support,

agency personnel services, affirmative action, client relations, and labor relations services.

(e) Information systems division (located at Building #1, Rowesix, Lacey, Washington) which administers the central personnel/payroll and insurance eligibility computer systems.

[Statutory Authority: Chapter 41.06 RCW and RCW 41.06.150. 94-23-136 and 95-23-062, § 359-07-030, filed 11/23/94 and 11/16/95, effective 1/1/97; 94-02-032, § 359-07-030, filed 12/29/93, effective 1/1/95.]

**WAC 359-07-040 General method of operation. (Effective January 1, 1997.)** (1) The general conduct of agency business is pursuant to the charter established in chapters 41.06 and 41.05 RCW, and Title 359 WAC.

(2) Provisions for all interested parties to participate in formulation of rules governing administration of the law is assured by a twenty-day notice requirement prerequisite to formal personnel resources board action on any jurisdictional matter, except appeals.

(3) Special meetings may be called by the board subject to twenty-four hour notice, as required by law.

(4) Informal work sessions with interested parties are conducted by staff of the department of personnel as necessary to ensure representation from interested parties before proposals are made to the board.

(5) All business of the department of personnel will be conducted in facilities which are accessible and/or in a manner which reasonably accommodates the needs of persons of disability.

[Statutory Authority: Chapter 41.06 RCW and RCW 41.06.150. 94-23-136 and 95-23-062, § 359-07-040, filed 11/23/94 and 11/16/95, effective 1/1/97; 94-02-032, § 359-07-040, filed 12/29/93, effective 1/1/95.]

**WAC 359-07-050 Office hours. (Effective January 1, 1997.)** Public records shall be available for inspection and copying during the customary office hours of the department of personnel. For the purposes of this chapter, the customary office hours shall be from 8:00 a.m. to 5:00 p.m., Monday through Friday, excluding legal holidays.

[Statutory Authority: Chapter 41.06 RCW and RCW 41.06.150. 94-23-136 and 95-23-062, § 359-07-050, filed 11/23/94 and 11/16/95, effective 1/1/97; 94-02-032, § 359-07-050, filed 12/29/93, effective 1/1/95.]

**WAC 359-07-055 Records index. (Effective January 1, 1997.)** (1) A public records index shall be maintained for all records which fall within the requirements of RCW 42.17.260.

(2) The index shall include a short title, brief description, the time period covered, the physical location and the custodial division for each record.

(3) The index will be updated on a continual basis as needed.

(4) Copies of the index will be made available at no charge upon request to the public records officer for the agency.

[Statutory Authority: Chapter 41.06 RCW and RCW 41.06.150. 94-23-136 and 95-23-062, § 359-07-055, filed 11/23/94 and 11/16/95, effective 1/1/97; 94-02-032, § 359-07-055, filed 12/29/93, effective 1/1/95.]

**WAC 359-07-060 Records availability—Copies obtained. (Effective January 1, 1997.)** (1) Subject to WAC 359-07-070, copies of all public records defined in

WAC 359-07-020 and identified in current indexes maintained in the Olympia office of the department of personnel shall be made available upon written request to the staff member designated by the director or his designee. Responses to such requests will be in the order received.

(2) No fee will be charged for inspection of public records. Inspection will be during office hours in a space provided by the director and must be accomplished without excessive interference with the essential functions of the agency.

(3) Copies of records will be made available at not more than actual cost to the department of personnel as determined by the director. Rules and regulations will be made available without charge.

[Statutory Authority: Chapter 41.06 RCW and RCW 41.06.150. 94-23-136 and 95-23-062, § 359-07-060, filed 11/23/94 and 11/16/95, effective 1/1/97; 94-02-032, § 359-07-060, filed 12/29/93, effective 1/1/95.]

**WAC 359-07-070 Exemptions—Public records. (Effective January 1, 1997.)** (1) The department of personnel shall determine which public records requested in accordance with these rules are exempt under the provisions of RCW 42.17.310.

(2) Pursuant to RCW 42.17.260, the department of personnel may delete identifying details when it makes available or publishes any public record and in any cases when there is reason to believe that disclosure of such details would be an invasion of personal privacy protected by chapter 42.17 RCW. The public records officer or a designated staff member will fully justify such deletion in writing.

(3) Denials by the designated staff member of requests for public records must be accompanied by a written statement specifying the reason for the denial. A statement of the specific exemption in chapter 42.17 RCW authorizing withholding the record and a brief explanation of how the exemption applies to the record withheld will be included.

(4) Denials of requests for public records will be reviewed by the director or designee within two working days of the denial.

[Statutory Authority: Chapter 41.06 RCW and RCW 41.06.150. 94-23-136 and 95-23-062, § 359-07-070, filed 11/23/94 and 11/16/95, effective 1/1/97; 94-02-032, § 359-07-070, filed 12/29/93, effective 1/1/95.]

**Chapter 359-09 WAC**  
**AFFIRMATIVE ACTION**  
**(Effective January 1, 1997)**

**WAC**

359-09-010	Purpose.
359-09-012	Guidelines.
359-09-015	Governor's affirmative action policy committee.
359-09-020	Required submissions.
359-09-030	Reasonable accommodation.
359-09-040	Department of personnel.
359-09-050	Testing—Supplemental certification.

**WAC 359-09-010 Purpose. (Effective January 1, 1997.)** The purpose of this chapter is to provide guidance to state agencies, higher education institutions, and related boards to comply with the provisions of chapters 41.06, 49.60, and 49.74 RCW, and executive orders, which provide

for affirmative action and equal employment opportunity. Equal employment opportunity is equal opportunity for all in employment matters; affirmative action is good faith efforts designed to correct the effects of past discrimination. Agencies, higher education institutions, and related boards will take measures to remove barriers to equal employment opportunity, to provide for affirmative action where underutilization exists, and to monitor progress toward achieving affirmative action goals through internal affirmative action programs.

[Statutory Authority: Chapter 41.06 RCW and RCW 41.06.150. 94-23-136 and 95-23-062, § 359-09-010, filed 11/23/94 and 11/16/95, effective 1/1/97; 94-06-063, § 359-09-010, filed 3/2/94, effective 1/1/95.]

**WAC 359-09-012 Guidelines. (Effective January 1, 1997.)** State agencies, higher education institutions, and related boards shall use the applicable guidelines in the development, implementation, and monitoring of affirmative action programs. References to affirmative action guidelines in this chapter, unless noted differently, shall mean state guidelines for state agencies, state guidelines for higher education institutions, or the regional standard affirmative action format.

[Statutory Authority: Chapter 41.06 RCW and RCW 41.06.150. 94-23-136 and 95-23-062, § 359-09-012, filed 11/23/94 and 11/16/95, effective 1/1/97; 94-06-063, § 359-09-012, filed 3/2/94, effective 1/1/95.]

**WAC 359-09-015 Governor's affirmative action policy committee. (Effective January 1, 1997.)** The governor's affirmative action policy committee shall have jurisdiction for the development and oversight of affirmative action plans, including approving affirmative action plans for state agencies, higher education institutions, and related boards for implementation strategies and goal progress.

[Statutory Authority: Chapter 41.06 RCW and RCW 41.06.150. 94-23-136 and 95-23-062, § 359-09-015, filed 11/23/94 and 11/16/95, effective 1/1/97; 94-06-063, § 359-09-015, filed 3/2/94, effective 1/1/95.]

**WAC 359-09-020 Required submissions. (Effective January 1, 1997.)** State agencies, higher education institutions, and related boards shall submit to the department of personnel policy statements, workforce profiles, and/or affirmative action plans and updates. The content and submission requirements shall be in accordance with the applicable guidelines. Policy statements will include statements on equal employment opportunity, affirmative action, sexual harassment, and reasonable accommodation.

[Statutory Authority: Chapter 41.06 RCW and RCW 41.06.150. 94-23-136 and 95-23-062, § 359-09-020, filed 11/23/94 and 11/16/95, effective 1/1/97; 94-06-063, § 359-09-020, filed 3/2/94, effective 1/1/95.]

**WAC 359-09-030 Reasonable accommodation. (Effective January 1, 1997.)** State agencies, higher education institutions, and related boards will provide reasonable accommodation for persons with disabilities as required by state and federal law. Reasonable accommodation may include, but is not limited to, accommodation in application procedures, testing, and modifications or adjustments to a job, work method, or work environment that make it possible for a qualified person with a disability to perform the essential functions of a position.

[Statutory Authority: Chapter 41.06 RCW and RCW 41.06.150. 94-23-136 and 95-23-062, § 359-09-030, filed 11/23/94 and 11/16/95, effective 1/1/97; 94-06-063, § 359-09-030, filed 3/2/94, effective 1/1/95.]

**WAC 359-09-040 Department of personnel. (Effective January 1, 1997.)** The department of personnel is responsible for administering the state's affirmative action program. It provides technical assistance in the development and implementation of affirmative action plans and programs to state agencies, higher education institutions, and related boards. In keeping with these responsibilities, and per applicable guidelines and state and federal laws, the department of personnel shall:

(1) Establish guidelines to assist in developing and implementing affirmative action plans.

(2) Provide the data essential in conducting required availability analysis.

(3) Provide technical review and approval of policy statements and affirmative action plans and updates. Submit technically approved plans and updates to the governor's affirmative action policy committee.

(4) Monitor the department's recruitment, testing, and training and career development programs for adverse impact, as necessary.

(5) Upon request of state agencies, higher education institutions, and related boards, assist in the recruitment of protected group members, including target recruitment when the representation of protected group members is less than their availability.

(6) Review the progress of state agencies, higher education institutions, and related boards, in meeting goals and addressing problems identified in affirmative action plans and programs.

(7) Review state-wide employment trends such as appointment, promotion, transfer, terminations, and formal disciplinary actions for adverse impact, as necessary.

[Statutory Authority: Chapter 41.06 RCW and RCW 41.06.150. 94-23-136 and 95-23-062, § 359-09-040, filed 11/23/94 and 11/16/95, effective 1/1/97; 94-06-063, § 359-09-040, filed 3/2/94, effective 1/1/95.]

**WAC 359-09-050 Testing—Supplemental certification. (Effective January 1, 1997.)** (1) The department of personnel will make reasonable accommodations for persons with disabilities during test procedures.

(2) When a state agency, higher education institution, or related board has established affirmative action goals for classified employees in accordance with the applicable guidelines:

(a) Members of underutilized groups may be added anytime to registers and eligible lists as provided in chapter 359-26 WAC.

(b) When available, additional names of eligibles who meet applicable affirmative action criteria shall be certified in accordance with chapter 359-26 WAC.

[Statutory Authority: Chapter 41.06 RCW and RCW 41.06.150. 94-23-136 and 95-23-062, § 359-09-050, filed 11/23/94 and 11/16/95, effective 1/1/97; 94-06-063, § 359-09-050, filed 3/2/94, effective 1/1/95.]

**Chapter 359-39 WAC  
HUMAN RESOURCES TRAINING AND  
DEVELOPMENT  
(Effective January 1, 1997)**

**WAC**

359-39-010	Purpose.
359-39-020	Definitions.
359-39-030	Assignment of responsibilities.
359-39-040	Assignments for career development purposes.
359-39-050	Human resource training and development plan— Criteria—Availability.
359-39-090	Required entry-level management/supervisory training—Agency.
359-39-140	Employee attendance at training.

**WAC 359-39-010 Purpose. (Effective January 1, 1997.)** The purpose of this chapter is to establish rules and assign responsibilities for providing training and development to employees of state agencies, higher education institutions, and related boards. The objective of these rules is to provide opportunity for development of occupational or professional skills of employees to ensure the full utilization of the state's human resources.

[Statutory Authority: RCW 41.06.150 and chapter 41.06 RCW. 94-23-136 and 95-23-062, § 359-39-010, filed 11/23/94 and 11/16/95, effective 1/1/97; 94-13-091, § 359-39-010, filed 6/14/94, effective 1/1/95.]

**WAC 359-39-020 Definitions. (Effective January 1, 1997.)** (1) **Career development.** The progressive development of employee capabilities to facilitate productivity, job satisfaction, and upward mobility through work assignments as well as education and training that are both state-sponsored and are achieved by individual employee efforts, all of which shall be consistent with the needs and obligations of the state and its agencies, higher education institutions and related boards.

(2) **Career planning.** A process designed to provide opportunities for employee career growth through job experience, training and/or continuing education.

(3) **Human resource training and development plan.** Each organization's written methods or design that specifies opportunities for training and development of occupational or professional skills of employees to ensure the full utilization of the state's human resources.

(4) **Training.** Activities designed to develop job-related knowledge and skills of employees.

[Statutory Authority: RCW 41.06.150 and chapter 41.06 RCW. 94-23-136 and 95-23-062, § 359-39-020, filed 11/23/94 and 11/16/95, effective 1/1/97; 94-13-091, § 359-39-020, filed 6/14/94, effective 1/1/95.]

**WAC 359-39-030 Assignment of responsibilities. (Effective January 1, 1997.)** The responsibility for human resource training and development is shared by the department of personnel, other agencies, higher education institutions, related boards, and employees.

(1) Each agency, higher education institution, and related board is responsible for:

(a) Developing a human resource training and development plan;

(b) Submitting a summary of the human resource training and development plan, including estimated costs, to the

director or director's designee of the department of personnel; and

(c) Providing employee orientation, required job-related training, and assistance with career planning.

(2) Each employee is responsible for participating in training associated with maintenance of required licenses and certifications, required training, and, if desired, personal career planning.

(3) The director or director's designee of the department of personnel shall support human resource training and development by:

(a) Providing training which is interagency and/or intrasystem in scope;

(b) Consulting with agencies and higher education institutions and related boards in their human resource training and development activities, upon request;

(c) Providing guidelines for human resource training and development planning and evaluation; and

(d) Reviewing human resource training and development plans to promote intrasystem sharing of resources for training and career development.

(e) Providing for the evaluation of training and career development programs and plans based on the minimum standards established in WAC 359-39-050.

[Statutory Authority: RCW 41.06.150 and chapter 41.06 RCW. 94-23-136 and 95-23-062, § 359-39-030, filed 11/23/94 and 11/16/95, effective 1/1/97; 94-13-091, § 359-39-030, filed 6/14/94, effective 1/1/95.]

**WAC 359-39-040 Assignments for career development purposes. (Effective January 1, 1997.)** (1) Agencies, higher education institutions, and related boards may make the following planned training assignments for employee career development without incurring reallocation or compensation obligations:

(a) Performance of responsibilities outside the current job classification on a time-limited basis.

(b) Rotational or special project assignments.

(2) The employee and the employer(s) shall mutually agree in writing, including time limits, to assignments identified in (1)(a) and (b) of this section.

(3) Assignments of responsibilities outside of the current job classification for purposes other than identified in (1) of this section are subject to classification and compensation provisions elsewhere in these rules.

[Statutory Authority: RCW 41.06.150 and chapter 41.06 RCW. 94-23-136 and 95-23-062, § 359-39-040, filed 11/23/94 and 11/16/95, effective 1/1/97; 94-13-091, § 359-39-040, filed 6/14/94, effective 1/1/95.]

**WAC 359-39-050 Human resource training and development plan—Criteria—Availability. (Effective January 1, 1997.)** (1) Each agency, higher education institution, and related board shall prepare a human resource training and development plan, with revision as needed. The plan shall be based on an assessment of the organization's human resource training and development needs. The plan shall state the policies and objectives for human resource training and development and the policies shall address, at a minimum, the following:

(a) Identification of the position(s) responsible for employee training and development.

(b) Criteria for employee eligibility.

(c) Criteria for employees' leave, release time, or compensation while participating in human resource training and development activities.

(d) Criteria for educational leave.

(e) Tuition reimbursement or fee waiver policy.

(f) Mandated training in accordance with state and federal regulations.

(g) Provisions for entry-level management/supervisory training.

(h) Provisions for the assessment of employee training and development needs.

(i) Provisions for the involvement of employees in the development of training policies and plans.

(j) Provisions for the evaluation of the training and development programs.

(k) Provisions for assignments for career development as described in WAC 359-39-040(1) and approval of such assignments by the immediate supervisor and the organization's designee(s). The designee(s) shall be identified in the plan.

(2) Copies of the human resource training and development plan shall be made available to employees upon request.

[Statutory Authority: RCW 41.06.150 and chapter 41.06 RCW. 94-23-136 and 95-23-062, § 359-39-050, filed 11/23/94 and 11/16/95, effective 1/1/97; 94-13-091, § 359-39-050, filed 6/14/94, effective 1/1/95.]

**WAC 359-39-090 Required entry-level management/supervisory training—Agency. (Effective January 1, 1997.)** (1) Each agency shall require employees appointed to a supervisory or management position to successfully complete an entry-level supervisory or management training course as approved by the director of the department of personnel. Employees shall be enrolled in this training within nine months of the date of their appointment, or if training is not available, as soon thereafter as it becomes available. When training opportunities are available, the agency may suspend the entry-level training requirement, for up to a maximum of an additional six months.

(2) The director or director's designee of the department of personnel shall establish criteria by which such training is approved or considered equivalent.

(3) An agency may waive the requirement for entry-level training in cases where an employee has occupied a designated supervisory or management position for at least one year, prior to the present appointment, and has demonstrated experience and competence as a substitute for training.

(a) The agency shall advise an affected employee in writing of waiver to this training.

(b) The record of such waiver shall be placed in the employee's personnel file and shall be reported following procedures outlined by the department of personnel.

(4) Each agency shall designate individual positions, or groups of positions, as being supervisory or entry-level management positions. Criteria for such designations shall be published by the department of personnel.

[Statutory Authority: RCW 41.06.150 and chapter 41.06 RCW. 94-23-136 and 95-23-062, § 359-39-090, filed 11/23/94 and 11/16/95, effective 1/1/97; 94-13-091, § 359-39-090, filed 6/14/94, effective 1/1/95.]

**WAC 359-39-140 Employee attendance at training.** (Effective January 1, 1997.) (1) Agencies, higher education institutions, and related boards may require employees to attend training which is job related or meets an identified employer need. Such required attendance during and/or outside of working hours shall be considered time worked and compensated in accordance with these rules.

(2) Employee attendance, either on approved leave or outside of working hours, at training that is not required shall be voluntary and not considered time worked.

(3) Employers may provide release time for non-required training.

[Statutory Authority: RCW 41.06.150 and chapter 41.06 RCW. 94-23-136 and 95-23-062, § 359-39-140, filed 11/23/94 and 11/16/95, effective 1/1/97; 94-13-091, § 359-39-140, filed 6/14/94, effective 1/1/95.]

### Chapter 359-48 WAC

#### STATE INTERNSHIP PROGRAM (Effective January 1, 1997)

##### WAC

359-48-010	State internship program—Purpose.
359-48-020	State internship program—Application of rules.
359-48-030	State internship program—General provisions.
359-48-040	State internship program—Eligibility—Duration of internship.
359-48-050	State internship program—Return rights—Benefits.
359-48-060	State internship program—Completion of internship.

**WAC 359-48-010 State internship program—Purpose.** (Effective January 1, 1997.) The purpose of the state internship program is to assist students and state employees in gaining valuable work experience and knowledge in various areas of state government. The program shall be administered by the office of the governor.

[Statutory Authority: Chapter 41.06 RCW and RCW 41.06.150. 94-23-136 and 95-23-062, § 359-48-010, filed 11/23/94 and 11/16/95, effective 1/1/97; 94-02-033, § 359-48-010, filed 12/29/93, effective 1/1/95.]

**WAC 359-48-020 State internship program—Application of rules.** (Effective January 1, 1997.) With the exceptions noted in chapter 359-48 WAC, the remainder of the merit system rules do not apply to positions in the state internship program.

[Statutory Authority: Chapter 41.06 RCW and RCW 41.06.150. 94-23-136 and 95-23-062, § 359-48-020, filed 11/23/94 and 11/16/95, effective 1/1/97; 94-02-033, § 359-48-020, filed 12/29/93, effective 1/1/95.]

**WAC 359-48-030 State internship program—General provisions.** (Effective January 1, 1997.) (1) No agency or institution of higher education or related boards shall be deemed to exceed any limitation or full-time equivalent staff positions on the basis of intern positions established under the state internship program.

(2) The provisions of chapter 359-48 WAC shall not limit the authority of state agencies or institutions of higher education and related boards to continue or establish other internship programs or positions.

[Statutory Authority: Chapter 41.06 RCW and RCW 41.06.150. 94-23-136 and 95-23-062, § 359-48-030, filed 11/23/94 and 11/16/95, effective 1/1/97; 94-02-033, § 359-48-030, filed 12/29/93, effective 1/1/95.]

**WAC 359-48-040 State internship program—Eligibility—Duration of internship.** (Effective January 1, 1997.) The state internship program shall consist of two individual internship programs:

(1) An undergraduate internship program for students working toward an undergraduate degree. In addition, any state employee, whether working toward a degree or not, shall be eligible to participate in the program upon the written recommendation of the head of the employee's agency or head of the employee's department at institutions of higher education. Persons selected to participate in the undergraduate internship program shall serve internships of three to six months.

(2) An executive fellows program for students who have successfully completed at least one year of graduate-level work and have demonstrated a substantial interest in public sector management. In addition, any state employee, whether working toward an advanced degree or not, shall be eligible to participate in the program upon the written recommendation of the head of the employee's agency or head of the employee's department at an institution of higher education. Positions in this program shall be as assistants or analysts at the mid-management level or higher. Persons selected to participate in the executive fellows program shall serve internships for one to two years.

[Statutory Authority: Chapter 41.06 RCW and RCW 41.06.150. 94-23-136 and 95-23-062, § 359-48-040, filed 11/23/94 and 11/16/95, effective 1/1/97; 94-02-033, § 359-48-040, filed 12/29/93, effective 1/1/95.]

**WAC 359-48-050 State internship program—Return rights—Benefits.** (Effective January 1, 1997.) (1) Employees leaving classified or exempt positions in state government or institutions of higher education and related boards to participate in the state internship program shall:

(a) Continue to receive all fringe benefits as if they had never left their classified or exempt position. In addition, employees leaving classified positions shall continue to accrue seniority while in the state internship program.

(b) Have the right to return to their previous position at any time during the internship or upon completion of the internship.

(2) Participants in the undergraduate internship program who were not state employees prior to accepting a position in the program shall accrue sick leave credits commensurate with other state employees.

(3) Participants in the executive fellows program who were not state employees prior to accepting a position in the program shall:

(a) Accrue sick leave and vacation leave credits commensurate with other state employees; and

(b) Receive insurance and retirement credit commensurate with other employees of the employing agency.

[Statutory Authority: Chapter 41.06 RCW and RCW 41.06.150. 94-23-136 and 95-23-062, § 359-48-050, filed 11/23/94 and 11/16/95, effective 1/1/97; 94-02-033, § 359-48-050, filed 12/29/93, effective 1/1/95.]

**WAC 359-48-060 State internship program—Completion of internship.** (Effective January 1, 1997.) Successful completion of an internship in the undergraduate internship program or the executive fellows program shall be

considered as employment experience at the level at which the intern was placed.

[Statutory Authority: Chapter 41.06 RCW and RCW 41.06.150. 94-23-136 and 95-23-062, § 359-48-060, filed 11/23/94 and 11/16/95, effective 1/1/97; 94-02-033, § 359-48-060, filed 12/29/93, effective 1/1/95.]

## Title 365 WAC

### COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT, DEPARTMENT OF (COMMUNITY DEVELOPMENT)

#### Chapters

- 365-140 State funding of local emergency food programs.**
- 365-210 Manufactured housing installer training and certification program.**

#### Chapter 365-140 WAC

#### STATE FUNDING OF LOCAL EMERGENCY FOOD PROGRAMS

#### WAC

365-140-030	Definitions.
365-140-040	Contractor funding allocation and award of contracts.
365-140-045	Repealed.
365-140-050	Applicant eligibility criteria.
365-140-060	Financial support application process.

#### DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

365-140-045	Pilot project for consolidated emergency food assistance program. [Statutory Authority: RCW 43.63A.060 and 1992 c 232 § 222(5). 94-18-073, § 365-140-045, filed 9/2/94, effective 10/3/94.] Repealed by 95-12-002, filed 5/24/95, effective 7/1/95. Statutory Authority: RCW 43.63A.060
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**WAC 365-140-030 Definitions.** (1) "Department" means the department of community, trade, and economic development.

(2) "Director" means the director of the department of community, trade, and economic development.

(3) "Food bank" means an emergency food program that distributes unprepared food on a regular basis without a charge.

(4) "Food distributor" means a food distribution agency that collects, warehouses, and distributes food to emergency food programs and other charities on a county, regional, or state-wide basis.

(5) "Commodity program" means a program that primarily distributes USDA surplus commodities to clients (TEFAP).

(6) "Emergency food assistance program" means the state-wide activities of the department to assist local emergency food programs by allocating and awarding state funds.

(7) "Applicant" means a public or private nonprofit organization, tribe or tribal organization which applies for state emergency food assistance.

(8) "Contractor" means an applicant which has been awarded state funds under the emergency food assistance program, and which has entered into a contract with the department of community, trade, and economic development to provide emergency food assistance to individuals.

(9) "Lead agency contractor" means a contractor which may subcontract with one or more local food banks to provide emergency food assistance to individuals, and with food distributors to provide food to food banks.

(10) "Tribal food voucher program" means the state-wide activities of the department which allocate and award state funds to tribes and tribal organizations that issue food vouchers to clients.

(11) "Religious service" means any sectarian or non-denominational service, rite, or meeting that involves worship of a higher being.

(12) "Participating food bank" means a local public or private nonprofit food bank which enters into a subcontract with a lead agency contractor to provide emergency food assistance to individuals.

(13) "Emergency food" means food that is given to clients who do not have the means to acquire that food themselves, so that they will not go hungry.

(14) "Special dietary needs" mean funds to purchase food that meets the nutritional needs of special needs population.

(15) "In-kind" means the value of volunteer services or donated goods such as staff time, rent, food, supplies and transportation.

(16) "Administrative costs" mean management and general expenses, including membership dues, that cannot be readily identified with a particular program or direct services.

(17) "Operational expenses" mean those costs clearly identifiable with providing direct services to eligible clients, or distribution services to food banks such as staff time, transportation costs, and equipment rental.

[Statutory Authority: RCW 43.63A.060. 95-12-002, § 365-140-030, filed 5/24/95, effective 7/1/95. Statutory Authority: RCW 43.63A.060 and 1992 c 232 § 222(5). 94-18-073, § 365-140-030, filed 9/2/94, effective 10/3/94; 93-18-021 (Order 93-06), § 365-140-030, filed 8/25/93, effective 9/25/93. Statutory Authority: RCW 43.63A.060. 87-19-113 (Order 87-11), § 365-140-030, filed 9/18/87; 86-20-010 (Order 86-14), § 365-140-030, filed 9/22/86; 86-08-043 (Order 85-15), § 365-140-030, filed 3/27/86.]

**WAC 365-140-040 Contractor funding allocation and award of contracts.** At least seventy percent of the total allocation appropriated by the legislature shall be contracted to lead agency contractors. These funds shall be for the purpose of funding the activities of food banks and food distributors, the purchase of special dietary needs foods, and providing special dietary needs training. The specific appropriation for timber and salmon dependent communities shall be contracted to food banks in those communities. Of the remainder of the total allocation, not including department administrative costs, allocations shall be contracted to a discretionary program if the department elects to award such contracts, the tribal food voucher program, and additional special dietary needs training. Allocations for each