

WAC 358-30-120 Subpoenas. (1) Any member of the personnel appeals board, the executive secretary or the hearings examiner may, and shall at the request of either party, issue subpoenas, including subpoenas duces tecum. The personnel appeals board or the hearings examiner assigned to the appeal shall certify to the superior court the facts of any refusals to obey a subpoena, take the oath, or testify. The court shall summarily hear the evidence on such refusal and, if the evidence warrants, punish such refusal in the same manner and to the same extent as for contempt committed before or in connection with the proceedings of the court.

(2) Every subpoena shall name the personnel appeals board, the title and case number of the proceedings and shall command the person to whom it is directed to appear at a specified time and place and give testimony or produce designated books, documents, or things under that person's control.

(3) Any representative or party not represented shall prepare subpoenas for issuance, and may present them to a personnel appeals board member, the executive secretary or the hearings examiner for signature, and upon return shall make arrangements for service. The service of all subpoenas shall be at the expense of the party requiring the witness to appear. It is recommended that all subpoenas be submitted at least five days prior to the hearing.

(4) Subpoenas shall be personally served upon the designated individual who upon demand, where entitled to make such demand, shall be tendered the fees for one day's attendance and the mileage allowed by law. A copy of the subpoena will also be provided to the opposing representative or pro se party, agency personnel officer and union representative.

(5) Attorneys of record may issue subpoenas, including subpoenas duces tecum, in the same manner and form as members of the personnel appeals board, the executive secretary or the hearings examiner. Any attorney so issuing a subpoena shall report a refusal to obey a subpoena, take the oath, or testify to the personnel appeals board, the executive secretary or the hearings examiner who shall then issue a subpoena in accordance with subsections 1 through 4 of this rule.

[Statutory Authority: Chapter 41.64 RCW. WSR 82-01-053 (Order 81-4), § 358-30-120, filed 12/16/81.]