



Administrative Policy No. 18.04

Subject: General Provisions

Information Contact: DSHS Human Resources Division

Authorizing Sources: Chapter [41.06](#) RCW
Chapter [357-04](#) WAC
Chapter [357-52](#) WAC

Effective Date: July 1, 2005

Revised: May 1, 2014

Approved By: original signed by David L. Stewart
Senior Director, DSHS Human Resources

Purpose

To provide Department of Social and Health Services (DSHS) appointing authorities and employees with a system of personnel administration for general government employees.

Scope

This policy applies to all employees of DSHS who are not represented through collective bargaining.

Policy

Title 357 WAC, referred to as the Civil Service Rules, establishes a system of personnel administration for general government employees.

The provisions of the Civil Service Rules apply to all DSHS (DSHS) employees and employers under the jurisdiction of RCW Chapter 41.06 except those positions or employees exempted under the provisions of [Chapter 357-04 WAC](#). Employee business unit members as defined in [WAC 357-43-001](#) are only covered by [Chapter 357-43 WAC](#).

A. Positions Designated as Exempt

The Civil Service Rules do not apply to positions specifically exempted in individual agency statutes of [Chapter 41.06 RCW](#).

The Governor's Office approves the establishment of new exempt positions from the Governor's Exempt Pool. The Director, of State Human Resources may provide additional exemptions for general government positions through normal Director's meetings.

1. An employee holding a classified position has the following rights if his or her position is exempted from Civil Service Rules:
 - a. If the employee previously held permanent status in another classified position, the employee has the right to return to a position in the highest class of position previously held, or to a position of similar nature and salary.
 - b. The employee may appeal the exemption of the position.
2. Any employee with permanent status in a classified position who accepts an appointment in an exempt position has the right to return to classified service if the employee was not terminated from the exempt position for gross misconduct or malfeasance. The employee has the right to return to the highest class of position in which he or she previously held permanent status or to a position of similar nature and salary.

B. Exempt Salaries

Salaries are reviewed and approved within DSHS. Actions taken to establish or revise exempt salaries must meet the provisions outlined in [RCW 41.06.152](#).

C. Delegation of Authority:

The Secretary of DSHS may delegate the responsibilities and duties of an appointing authority including the authority to appoint, transfer, layoff, reduce, dismiss, suspend, or demote employees. (DSHS [Administrative Policy 4.05](#))

1. Authority may only be delegated to individuals in positions reporting directly to the Secretary, Service and Enterprise Support Administration, or individuals who are the head of the major subdivisions within DSHS.
2. The delegation of authority must be in writing.

D. Civil Service Rules and Other State and Federal Laws

DSHS managers and employees must comply with the Civil Service Rules unless doing so violates state or federal laws, such as:

1. The Federal Fair Labor Standards Act and the Washington State Minimum Wage Act.
2. The Federal Americans with Disabilities Act of 1990 and Washington state laws pertaining to persons with disabilities.

E. Providing Notice to Employees

Civil Service Rules require an applicant, candidate, employee, or employer to receive notice. The notice must be provided by personal delivery, United States mail, or by telephone facsimile transmission with same-day mailing of copies. Specific rules requiring notice also allow alternative methods of providing notice such as electronic mail ("e-mail"), state mail service, commercial parcel delivery, or campus mail service.

1. Service of Notice upon parties will be regarded as completed when one of the following has been completed:
 - a. When personal delivery has been accomplished.
 - b. The notice is deposited in the United States mail, properly stamped and addressed.
 - c. Upon production by telephone facsimile transmission of confirmation of transmission.

When a specific rule allows alternative methods of service, service upon parties will be regarded as completed when it is actually received by the party to which notice is being provided.

2. Exceptions to Service of Notice include:
 - a. An appointing authority may dismiss an employee effective immediately with pay in lieu of the fifteen (15) calendar days' notice period. The appointing authority must still provide written notice of the specific charge(s) and the employee's rights to appeal.
 - b. An appointing authority may dismiss an employee effective immediately without pay in lieu of the fifteen (15) calendar days' notice period if the appointing authority determines that continued employment of the employee jeopardizes the good of the service. The appointing authority must provide written notice of the immediate dismissal stating the reason(s) for dismissal, the reasons immediate action is necessary, and the employee's right to appeal.
 - c. In order to prevent hardship, delay, or for other good cause, the Personnel Resources Board may waive any of the procedural rules contained in [Chapter 357-52 WAC](#) for any party not represented by legal counsel.

F. Computing Time

Whenever a period of time is mentioned in this policy, the period must be computed by excluding the first day of the period and including the last day, unless a specific civil service rule states something different. If the last day is a Saturday, Sunday, or holiday, the time period ends on the next business day, unless that Saturday, Sunday, or holiday is a regularly scheduled work day for the employee to whom notice is being provided.

G. Validity of Rules

If any provision of the Civil Service Rules or its application is determined to be invalid, the invalidity does not affect other provisions or applications of the rules which can be given effect without the invalid provision or application. To this end any section, sentence, or word is declared severable.

All actions in force under previous merit system and/or Civil Service Rules will be honored. Unfinished actions initiated under previous merit system or Civil Service Rules must be completed under those rules.

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