Chapter 357-04 WAC
GENERAL PROVISIONS

Last Update: 3/31/26

WAC

357-04-005 What is the purpose of the civil service rules?
357-04-010 Who is covered by the civil service rules?
357-04-015 Who is not covered by civil service rules?
357-04-020 May the director exempt other positions from civil service?
357-04-025 What rights does a classified employee have when the position the employee holds is exempted from the civil service rules?
357-04-027 What rights does an exclusive bargaining unit representative have when a vacant bargaining unit position is exempted from the civil service rules?
357-04-030 What right does an employee have to return to the classified service from exempt service?
357-04-035 Who defines exempt status for student employees, temporary employees, and part-time professional consultants for higher education employers?
357-04-040 Which student employees of higher education employers are exempt from civil service rules?
357-04-045 Which temporary employees of higher education employers are exempt from civil service rules?
357-04-046 May a higher education employer make subsequent appointments for temporary employees who have exhausted their temporary appointment as identified in WAC 357-04-045?
357-04-050 Which part-time professional consultants of higher education employers are exempt from civil service rules?
357-04-055 Who defines exempt status for student or temporary employees; part-time professional consultants; and inmates for general government employers and what types of positions are exempt?
357-04-060 For which exempt positions does the director establish the salary?
357-04-065 What are the duties of the board?
357-04-070 What are the powers and duties of the director?
357-04-075 Must higher education employers designate a personnel officer?
357-04-080 What are the duties of personnel officers for higher education employers?
357-04-085 What role does the state board for community and technical colleges have?
357-04-090 May authority be delegated?
357-04-095 How does the federal Fair Labor Standards Act and the Washington State Minimum Wage Act relate to the Washington state civil service rules?
357-04-100 How does the federal Americans with Disabilities Act of 1990 and other laws about persons with disabilities relate to the Washington state civil service rules?
357-04-105 When the civil service rules require an applicant, candidate, employee, or employer to receive notice, how must notice be provided?
357-04-110 How is time computed under the civil service rules?
357-04-115 What happens if any part of these rules is held invalid?
357-04-120 What happens to previous merit system and civil service rules and actions initiated under them?
357-04-124 When may a general government employer request director approval to redeploy an employee during an emergency or disaster?

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

357-04-125 Must an employee provide proof of being fully vaccinated as a condition of employment? [Statutory Authority: RCW 41.06.133 and 41.06.150. WSR 22-20-091, § 357-04-125, filed 10/4/22, effective 11/4/22.] Repealed by WSR 23-17-005, filed 8/3/23, effective 9/7/23. Statutory Authority: RCW 41.06.133 and 41.06.150.

357-04-130 What rules ensure that the director's office complies with the provisions of the State Public Records Act? [Statutory Authority: Chapter 41.06 RCW. WSR 11-23-054, § 357-04-130, filed 11/10/11, effective 12/13/11.] Repealed by WSR 14-11-034, filed 5/14/14, effective 6/16/14. Statutory Authority: Chapter 41.06 RCW.

WAC 357-04-005 What is the purpose of the civil service rules? Title 357 WAC, referred to as the civil service rules, establishes a system of personnel administration for general government and higher education employers and employees.

[Statutory Authority: Chapter 41.06 RCW. WSR 05-01-203, § 357-04-005, filed 12/21/04, effective 7/1/05.]

WAC 357-04-010 Who is covered by the civil service rules? The provisions of the civil service rules apply to all employees and employers under the jurisdiction of chapter 41.06 RCW except those positions or employees exempted under the provisions of WAC 357-04-015, 357-04-020, 357-04-035, 357-04-040, 357-04-045, 357-04-050 and 357-04-055. Employee business unit members as defined in WAC

357-43-001 are only covered by chapter 357-43 WAC of the civil service rules.

[Statutory Authority: Chapter 41.06 RCW. WSR 05-01-203, § 357-04-010, filed 12/21/04, effective 7/1/05.]

WAC 357-04-015 Who is not covered by civil service rules? The civil service rules do not apply to positions specifically exempted in individual agency statutes, chapter 41.06 RCW, and to the following:

(1) Washington state patrol trooper cadets in training for commissioning as troopers in the Washington state patrol;

(2) The executive director, the executive director's confidential secretary, assistant directors, and professional education employees of the state board for community and technical colleges; and

(3) Inmate, student, or temporary employees, and part-time professional consultants, as defined by the director in WAC 357-04-040, 357-04-045, 357-04-050, and 357-04-055.

[Statutory Authority: Chapter 41.06 RCW and RCW 41.06.070. WSR 21-14-042 and 22-01-153, § 357-04-015, filed 6/30/21 and 12/15/21, effective 7/1/22. Statutory Authority: Chapter 41.06 RCW. WSR 05-01-203, § 357-04-015, filed 12/21/04, effective 7/1/05.]

WAC 357-04-020 May the director exempt other positions from civil service? The director may provide for further exemptions for general government positions involving substantial responsibility for formulating basic agency or executive policy or involving directing and controlling program operations of an agency or a major administrative division of an agency in accordance with the provisions and procedures of RCW 41.06.070.

[Statutory Authority: Chapter 41.06 RCW and RCW 41.06.070. WSR 21-14-042 and 22-01-153, § 357-04-020, filed 6/30/21 and 12/15/21, effective 7/1/22. Statutory Authority: Chapter 41.06 RCW. WSR 05-01-203, § 357-04-020, filed 12/21/04, effective 7/1/05.]

WAC 357-04-025 What rights does a classified employee have when the position the employee holds is exempted from the civil service rules? As required by RCW 41.06.070 and 41.06.170, an employee holding a classified position has the following rights if the position is exempted from the application of the civil service rules:

(1) If the employee previously held permanent status in another classified position, the employee has the right to return to the highest class of position previously held, or to a position of similar nature and salary in accordance with WAC 357-19-220.

(2) The employee may appeal the exemption of the position in accordance with chapter 357-52 WAC.

[Statutory Authority: Chapter 41.06 RCW and RCW 41.06.070. WSR 21-14-042 and 22-01-153, § 357-04-025, filed 6/30/21 and 12/15/21, effective 7/1/22. Statutory Authority: Chapter 41.06 RCW. WSR 05-01-203, § 357-04-025, filed 12/21/04, effective 7/1/05.]

WAC 357-04-027 What rights does an exclusive bargaining unit representative have when a vacant bargaining unit position is exempted from the civil service rules? As provided in RCW 41.06.170(3), the exclusive bargaining unit representative for a vacant position that has been exempted from chapter 41.06 RCW may appeal the exemption of the position in accordance with chapter 357-52 WAC.

[Statutory Authority: Chapter 41.06 RCW. WSR 09-17-065, § 357-04-027, filed 8/13/09, effective 9/16/09.]

WAC 357-04-030 What right does an employee have to return to the classified service from exempt service? As required by RCW 41.06.070, any employee having permanent status in a classified position who accepts an appointment in an exempt position has the right to return to classified service in accordance with WAC 357-19-195, 357-19-200, and 357-19-205. The employee has the right to return to the highest class of position in which the employee previously held permanent status or to a position of similar nature and salary. The right of return may not be exercised if the employee is terminated from the exempt position for gross misconduct or malfeasance, or during the pendency of an investigation if the employee has been given written notice that they are the subject of an active workplace investigation which may result in a finding of gross misconduct or malfeasance.

For purposes of this section:

(1) "Written notice" includes notice sent by email to the employee's work email address; and

(2) "Pendency of an investigation" lasts until the employer has taken final appropriate action based on the finding of the investigation.

[Statutory Authority: RCW 41.06.150 and 41.06.070. WSR 23-24-020, § 357-04-030, filed 11/28/23, effective 1/1/24. Statutory Authority: Chapter 41.06 RCW and RCW 41.06.070. WSR 21-14-042 and 22-01-153, § 357-04-030, filed 6/30/21 and 12/15/21, effective 7/1/22. Statutory Authority: Chapter 41.06 RCW. WSR 06-15-067, § 357-04-030, filed 7/13/06, effective 8/14/06; WSR 05-01-203, § 357-04-030, filed 12/21/04, effective 7/1/05.]

WAC 357-04-035 Who defines exempt status for student employees, temporary employees, and part-time professional consultants for higher education employers? In accordance with RCW 41.06.070, the director defines exemptions for student employees, temporary employees, and part-time professional consultants. Higher education employers must use the definitions in WAC 357-04-040, 357-04-045, and 357-04-050 as the criteria for identifying positions in these categories of employment that are exempt from civil service rules.

[Statutory Authority: Chapter 41.06 RCW and RCW 41.06.070. WSR 21-14-042 and 22-01-153, § 357-04-035, filed 6/30/21 and 12/15/21, effective 7/1/22. Statutory Authority: Chapter 41.06 RCW. WSR 04-15-016, § 357-04-035, filed 7/8/04, effective 7/1/05.]

WAC 357-04-040 Which student employees of higher education employers are exempt from civil service rules? (1) Students who are

participating in a documented and approved internship program which consists of an academic component and work experience are exempt.

(2) Students who are employed through the state or federal work/study programs are exempt.

(3) Students are exempt if they are employed by the institution at which they are enrolled (or by a related board) and meet any one of the following conditions:

(a) The student works 516 hours or less in any six consecutive months. Hours worked in a temporary position(s) during the summer and other breaks in the academic year are not counted in the 516 hours. The position is exempt only if the student does not take the place of a classified employee who was laid off due to lack of funds or lack of work; and the student does not fill a position that is currently or was formerly occupied by a classified employee during the current or prior calendar or fiscal year, whichever is longer;

(b) The student is employed in a position directly related to the student's major field of study to provide a training opportunity; or

(c) The student is elected or appointed to a student body office or student organization position such as student officers or student news staff members.

[Statutory Authority: RCW 41.06.133. WSR 26-08-085, s 357-04-040, filed 3/31/26, effective 5/1/26. Statutory Authority: Chapter 41.06 RCW. WSR 04-15-016, § 357-04-040, filed 7/8/04, effective 7/1/05.]

WAC 357-04-045 Which temporary employees of higher education employers are exempt from civil service rules? (1) Temporary higher education employees are exempt from civil service rules under the following circumstances:

(a) The employee is employed 12 consecutive months or less;

(b) The employee is employed for 1,050 hours or less in that same 12 consecutive month period which begins from the original date of hire or July 1, 2022, whichever is later; and

(c) The employee is limited to one appointment only with the same higher education employer that meets the criteria in (a) and (b) of this subsection.

(2) Temporary appointments under the provisions of this section are subject to remedial action in accordance with WAC 357-19-450.

(3) Temporary employees who are exempt under subsection (1) of this section and who work more than 350 hours in a 12 consecutive month period from the original date of hire or January 1, 2004, whichever is later, may be included in an appropriate bargaining unit for purposes of collective bargaining, as determined by the public employment relations commission. Overtime and time worked as a student employee under the provisions of WAC 357-04-040 are not counted in the 350 hours. For purposes of counting the 350 hours, the 12-month period will begin on the employee's original date of hire or January 1, 2004, whichever is later.

[Statutory Authority: Chapter 41.06 RCW. WSR 22-12-075, § 357-04-045, filed 5/27/22, effective 7/1/22. Statutory Authority: Chapter 41.06 RCW and RCW 41.06.070. WSR 21-14-042 and 22-01-153, § 357-04-045, filed 6/30/21 and 12/15/21, effective 7/1/22. Statutory Authority: RCW 41.06.150. WSR 10-11-021, § 357-04-045, filed 5/10/10, effective 6/10/10. Statutory Authority: Chapter 41.06 RCW. WSR 04-15-016, § 357-04-045, filed 7/8/04, effective 7/1/05.]

WAC 357-04-046 May a higher education employer make subsequent appointments for temporary employees who have exhausted their temporary appointment as identified in WAC 357-04-045? Higher education employers may hire employees who have exhausted their temporary appointment as identified in WAC 357-04-045 if the employee is appointed as a nonpermanent or permanent employee in accordance with chapter 357-19 WAC.

[Statutory Authority: Chapter 41.06 RCW and RCW 41.06.070. WSR 21-14-042 and 22-01-153, § 357-04-046, filed 6/30/21 and 12/15/21, effective 7/1/22.]

WAC 357-04-050 Which part-time professional consultants of higher education employers are exempt from civil service rules? Part-time professional consultants who are retained by a higher education employer on an independent part-time or temporary basis such as physicians, architects, or other professional consultants employed through an independent contractual relationship for advisory purposes and who do not perform administrative or supervisory duties are exempt from civil service rules.

[Statutory Authority: Chapter 41.06 RCW. WSR 04-15-016, § 357-04-050, filed 7/8/04, effective 7/1/05.]

WAC 357-04-055 Who defines exempt status for student or temporary employees; part-time professional consultants; and inmates for general government employers and what types of positions are exempt? In accordance with RCW 41.06.070, the director defines exemptions for student or temporary employees; part-time professional consultants; and inmates. The following types of general government employees are exempt from civil service rules:

(1) Part-time local health officers;

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

(3) Patient and resident help in general government residential facilities;

(4) Inmate help in general government correctional facilities; and

(5) 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 to be equivalent.

[Statutory Authority: Chapter 41.06 RCW and RCW 41.06.070. WSR 21-14-042 and 22-01-153, § 357-04-055, filed 6/30/21 and 12/15/21, effective 7/1/22. Statutory Authority: Chapter 41.06 RCW. WSR 04-15-016, § 357-04-055, filed 7/8/04, effective 7/1/05.]

WAC 357-04-060 For which exempt positions does the director establish the salary? (1) The director must determine the salary and fringe benefits of all positions presently or hereafter exempted except for the following:

(a) Chief executive officer of each agency;
(b) Full-time members of boards and commissions;
(c) Administrative assistants and confidential secretaries in the immediate office of an elected state official; and
(d) Personnel listed in RCW 41.06.070 (1)(j) through (u), (1)(x) and (2).
(2) Actions taken to establish or revise exempt salaries must meet the provisions outlined in RCW 41.06.152.

[Statutory Authority: Chapter 41.06 RCW. WSR 05-01-203, § 357-04-060, filed 12/21/04, effective 7/1/05.]

WAC 357-04-065 What are the duties of the board? The board is composed of three members appointed by the governor and confirmed by the senate as provided in RCW 41.06.110.
(1) The board must annually elect a chair and vice chair from among its members to serve one year.
(2) The board must conduct business in accordance with RCW 41.06.120.
(3) The board is responsible for:
(a) Defining criteria for exemption from the civil service rules as provided in RCW 41.06.070(1).
(b) Hearing and determining employee appeals in accordance with chapter 357-52 WAC.

[Statutory Authority: Chapter 41.06 RCW. WSR 11-23-054, § 357-04-065, filed 11/10/11, effective 12/13/11; WSR 04-15-017, § 357-04-065, filed 7/8/04, effective 7/1/05.]

WAC 357-04-070 What are the powers and duties of the director? (1) The director is appointed by the governor under the provisions of chapter 43, Laws of 2011.
(2) The director may delegate to any general government agency the authority to perform administrative and technical personnel activities if the general government agency requests such authority and the director is satisfied that the general government agency has the personnel management capabilities to effectively delegate activities.
(3) The director shall prescribe standards and guidelines for the performance of delegated activities.
(4) The director is responsible for:
(a) Adopting rules consistent with the purposes and provisions of the state civil service law and the best standards of personnel administration.
(b) Auditing and reviewing the personnel administration and management at each agency, institution of higher education, and related higher education board periodically and at other such times as may be necessary.
(c) Adopting and revising as necessary a comprehensive classification plan for all positions in the classified service. In adopting the revisions, the director must comply with RCW 41.06.152, chapter 43, Laws of 2011, and chapter 43.88 RCW.

[Statutory Authority: Chapter 41.06 RCW. WSR 11-23-054, § 357-04-070, filed 11/10/11, effective 12/13/11; WSR 05-01-203, § 357-04-070, filed 12/21/04, effective 7/1/05.]

WAC 357-04-075 Must higher education employers designate a personnel officer? Each higher education institution and higher education related board must designate an officer to perform duties as personnel officer as provided in RCW 41.06.510.

[Statutory Authority: Chapter 41.06 RCW. WSR 05-01-203, § 357-04-075, filed 12/21/04, effective 7/1/05.]

WAC 357-04-080 What are the duties of personnel officers for higher education employers? The personnel officer directs, supervises, and manages administrative and technical personnel activities for the classified service consistent with policies established by the higher education institution or related board, chapter 41.06 RCW, and the civil service rules.

[Statutory Authority: Chapter 41.06 RCW. WSR 05-01-203, § 357-04-080, filed 12/21/04, effective 7/1/05.]

WAC 357-04-085 What role does the state board for community and technical colleges have? The state board for community and technical colleges has general supervision and control over activities undertaken by the various community and technical colleges.

[Statutory Authority: Chapter 41.06 RCW. WSR 05-01-203, § 357-04-085, filed 12/21/04, effective 7/1/05.]

WAC 357-04-090 May authority be delegated? (1) The head of an agency or the governing board of a higher education institution or related board may delegate the responsibilities and duties of an appointing authority including the authority to appoint, transfer, layoff, reduce, dismiss, suspend, or demote employees.

(2) Authority may only be delegated to individuals in positions reporting directly to the head of the agency, deputy director, president of the institution, or vice president of the institution, or individuals who are the heads of the major subdivisions of the employer.

(3) Delegation of authority must be in writing.

[Statutory Authority: Chapter 41.06 RCW. WSR 05-01-203, § 357-04-090, filed 12/21/04, effective 7/1/05.]

WAC 357-04-095 How does the federal Fair Labor Standards Act and the Washington State Minimum Wage Act relate to the Washington state civil service rules? Employers must comply with the civil service rules unless doing so causes them to violate chapter 49.46 RCW or the federal Fair Labor Standards Act.

[Statutory Authority: Chapter 41.06 RCW. WSR 05-01-203, § 357-04-095, filed 12/21/04, effective 7/1/05.]

WAC 357-04-100 How does the federal Americans with Disabilities Act of 1990 and other laws about persons with disabilities relate to the Washington state civil service rules? Employers must comply with

the civil service rules unless doing so would cause them to violate state laws, chapter 49.60 RCW, or the federal Americans with Disabilities Act of 1990.

[Statutory Authority: Chapter 41.06 RCW. WSR 05-01-203, § 357-04-100, filed 12/21/04, effective 7/1/05.]

WAC 357-04-105 When the civil service rules require an applicant, candidate, employee, or employer to receive notice, how must notice be provided? (1) Except as provided in chapters 357-40 and 357-52 WAC, when the 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 unless the specific rule requiring notice allows for alternative methods of providing notice such as electronic mail ("email"), state mail service, commercial parcel delivery or campus mail service.

(2) Except as provided in chapters 357-40 and 357-52 WAC, service of notice upon parties will be regarded as completed when personal delivery has been accomplished; or upon deposit in the United States mail, properly stamped and addressed; or 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.

[Statutory Authority: Chapter 41.06 RCW. WSR 05-12-079, § 357-04-105, filed 5/27/05, effective 7/1/05; WSR 05-01-203, § 357-04-105, filed 12/21/04, effective 7/1/05.]

WAC 357-04-110 How is time computed under the civil service rules? Whenever a period of time is mentioned in the civil service rules, that 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.

[Statutory Authority: Chapter 41.06 RCW. WSR 05-01-203, § 357-04-110, filed 12/21/04, effective 7/1/05.]

WAC 357-04-115 What happens if any part of these rules is held invalid? (Severability.) If any provision of the civil service rules or the application thereof is held invalid, such invalidity does not affect other provisions or applications of the rules which can be given effect without the invalid provision or application, and to this end any section, sentence, or word is declared severable.

[Statutory Authority: Chapter 41.06 RCW. WSR 05-01-203, § 357-04-115, filed 12/21/04, effective 7/1/05.]

WAC 357-04-120 What happens to previous merit system and civil service rules and actions initiated under them? (Repeals—Savings.) All previous merit system and civil service rules and amendments are repealed. All actions in force under previous merit system and/or civil service rules will be honored. Unfinished actions that were initiated under previous merit system or civil service rules must be completed under those rules.

[Statutory Authority: Chapter 41.06 RCW. WSR 05-01-203, § 357-04-120, filed 12/21/04, effective 7/1/05.]

WAC 357-04-124 When may a general government employer request director approval to redeploy an employee during an emergency or disaster? During an emergency or a disaster, a general government employer may request director approval to redeploy an employee within or between general government employers for the preservation of public health, safety, or general welfare. The employee must have the necessary skills, abilities, and/or licensure in order to be redeployed. For purposes of this section, emergency or disaster has the same meaning as in RCW 38.52.010.

[Statutory Authority: RCW 41.06.150. WSR 24-18-067, § 357-04-124, filed 8/29/24, effective 10/1/24.]