

June 5, 2008

Richard Davidson

RE: Request for Director's Review

Dear Mr. Davidson:

On May 21, 2008, the Department of Personnel received your request for a Director's review. On the request form you indicate that you are requesting a review of the following:

- a) Rule or law violation . . .
- d) Removal of your name from a Department of Personnel maintained applicant/candidate pool . . .

WAC 357-49-010(4) provides, in part, the following:

. . . *an employee* who has been adversely affected by a violation of the civil service laws or rules may request a director's review within thirty calendar days of the date the employee could reasonably be expected to have knowledge of the action giving rise to a law or rule violation claim or the stated effective date, whichever is later. . . . (Emphasis added).

Because you are not an employee, you cannot file a rule or law violation claim under the WAC.

WAC 357-49-010(1) provides the following:

If the department is responsible for the assessment process, an applicant or candidate may request a director's review of his/her examination results or the removal of his/her name from an applicant or candidate pool as specified in WAC [357-16-175](#). Director review decisions regarding the removal of an individual's name from an applicant or candidate pool or an individual's examination results are final and not subject to further review or appeal. (Emphasis added).

WAC 357-49-010(1) provides an applicant the opportunity to request a Director's review. However, an applicant may only request a Director's review under the WAC, if the department is responsible for the assessment process. WAC 357-01-100 defines "department" as the Department of Personnel. In this case, the Department of Labor & Industries was responsible for the assessment process, not the Department of Personnel.

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Chapter 357-49 WAC does not provide you an avenue for requesting a Director's review.
Therefore, the matter is closed.

If you have any questions, please contact me at (360) 664-0479.

Sincerely,

Teresa Parsons, SPHR
Director's Review Program Supervisor
Legal Affairs Division