

October 9, 2006

Roger Theine
Assistant Human Resources Division Manager
Department of Natural Resources
P. O. Box 47033
Olympia, Washington 98504-7033

Merry Kogut
Attorney at Law
22415 S Herron Blvd KPN
Lakebay, Washington 98349-8143

RE: Kathleen Enseñat v. Department of Natural Resources (DNR)
Rule Violation Review Request RULE-06-002

Dear Mr. Theine and Ms. Kogut:

On July 27, 2006, the Department of Personnel received a Director's review request of an alleged rule violation for the termination of Kathleen Enseñat. On August 11, 2006, Director's Review Coordinator Karen Wilcox acknowledged receipt of Ms. Enseñat's request. By letter dated August 21, 2006, Roger Theine, Assistant Human Resources Division Manager for the Department of Natural Resources responded to this request by questioning the application of Chapter 357-49 WAC in this case.

Mr. Theine asserted that Ms. Enseñat's employment was subject to the terms of the 2005-2007 Washington Federation of State Employees (WFSE) General Government Master Collective Bargaining Agreement. As such, Mr. Theine asserted Ms. Enseñat requested and received an internal Director's review by Region Operations Manager Vicki Christiansen, designee of the Commissioner of Public Lands.

After reviewing Ms. Christiansen's July 7, 2006 decision on behalf of the Commissioner, it appears the collective bargaining agreement applies, and the Department of Personnel lacks jurisdiction to consider Ms. Enseñat's request. As a result, the file for Ms. Enseñat's request, RULE-06-002, will be closed and no further action will be taken.

Roger Theine and Merry Kogut

October 9, 2006

Page 2

If you have any questions, please contact me at (360) 664-0479 or TeresaP@dop.wa.gov.

Sincerely,

Teresa Parsons
Director's Review Supervisor
Legal Affairs Division

c: Kathleen Enseñat