

July 20, 2010

Mr. Paul Vilja

RE: Paul Vilja v. Department of Social and Health Services (DSHS)  
Director's Review Request No. RULE-10-004

Dear Mr. Vilja:

On May 24, 2010, the Department of Personnel received your request for a Director's review of alleged violations of Chapter 41.06 RCW and several rules under Title 357 WAC. Director's reviews of alleged rule violations are governed by RCW 41.06.170. On your form requesting a Director's review, you indicated your position is covered by a collective bargaining agreement (CBA) between the state of Washington and Service Employees International Union (SEIU) District 1199 NW.

RCW 41.06.170(2) provides that "[a]ny employee who is . . . adversely affected by a violation of the state civil service law, chapter 41.06 RCW, or rules adopted under it, shall have the right to appeal . . ." However, RCW 41.06.170 (5) provides, "[s]ubsections (1) and **(2)** of this section **do not apply to any employee who is subject to the provisions of a collective bargaining agreement . . .**" (emphasis added).

The Director's review of an alleged rule violation is the first step in the appeal process (WAC 357-49-017). However, since you are covered by a collective bargaining agreement, the appeal process regarding an alleged rule violation is not available to you. Therefore, the matter is closed. If you have any questions, please contact me at (360) 664-1966.

Sincerely,

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

c: Ellen Andrews, DSHS  
Connie Goff, DOP