



STATE OF WASHINGTON
DEPARTMENT OF PERSONNEL

DIRECTOR'S REVIEW PROGRAM
521 Capitol Way South, P.O. Box 40911, Olympia, WA 98504-0911
(360) 664-0388 · FAX (360) 586-4694

September 16, 2011

Michael Weldin

RE: Michael Weldin v. Washington State Patrol (WSP)
Director's Review Request RULE-11-001

Dear Mr. Weldin:

On May 6, 2011, the Department of Personnel received your request for a Director's review of alleged violations by WSP. In your request, you allege WSP violated RCW 41.06.070(3) and WAC 357-19-195. On August 25, 2011, I conducted a preliminary conference call with you and Morgan Damerow, Assistant Attorney General, representing WSP. At that time, we discussed dates for exchanging exhibits and setting a conference date. However, after reviewing the applicable statute and rules, I have concluded you do not have standing to pursue a rule violation claim through the Director's review process under Chapter 357-49 WAC.

RCW 41.06.170(2) provides, in part, the following:

. . . any 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 . . . to the Washington personnel resources board . . .

The Director's review is the first step in the appeal process (WAC 357-49-017).

WAC 357-49-010(4) provides an employee the right to request a Director's review of an alleged civil service law or rule violation.

During the preliminary conference, you affirmed your current position is in exempt status as a commissioned officer of the WSP. I understand you disagree with WSP's proposed reversion to the position identified within classified service, should you decide to exercise your right of reversion. However, that action has not yet occurred.

RCW 41.06.170(2) provides the right to appeal "not later than thirty days **after the effective date of such action** . . ." (emphasis added).

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Similarly, WAC 357-49-010(4) provides the right to request a Director's review of an alleged violation "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).

At this time, you do not have the right to appeal an alleged law or rule violation under RCW 41.06.170 or request a Director's review under WAC 357-49-010. Therefore, the matter is closed.

If you have questions about the Director's review process, please contact me at (360) 664-1966 or TeresaP@dop.wa.gov.

Sincerely,

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

c: Morgan Damerow, AAG
Captain Jay Cabezuela, HRD, WSP
Connie Goff, DOP