



1 written argument were to be submitted within twenty-one (21) calendar days of the date of the  
2 letter.

3 On July 28, 2008, Mr. Heath submitted written argument indicating that his intention was to mail  
4 his appeal on July 16<sup>th</sup>, but he was still working on the supporting information and did not mail the  
5 appeal until July 17<sup>th</sup>. Appellant asked that the extra distance required for the mail to travel be  
6 considered the mitigating factor for his appeal being one day late.  
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8 On August 11, 2008, Stephen Sarchet submitted written argument on behalf of Central Washington  
9 University. Mr. Sarchet indicated that Mr. Heath was aware of the right to appeal his suspension  
10 within thirty (30) days of the effective date of the suspension. Mr. Sarchet also indicated that he met  
11 with Mr. Heath on June 16, 2008, and showed him what he needed to include in his appeal and the  
12 applicable Department of Personnel rule. Mr. Sarchet further indicated that after the meeting, he  
13 provided Mr. Heath with a link to the Board's appeal form for filing his appeal. As a result, Mr.  
14 Sarchet argued that Mr. Heath was aware of the time frame for filing his appeal, the appeal was not  
15 timely filed, and the appeal should be dismissed.  
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17 RCW 41.06.170 provides, in relevant part: "[a]ny employee who is . . . suspended . . . shall have  
18 the right to appeal . . . not later than thirty days after the effective of such action to the . . . personnel  
19 resources board . . . ."

20 WAC 357-52-015 provides, in relevant part: "[i]n order to be considered timely, an appeal must be  
21 received in writing at the office of the board within thirty calendar days after: . . . [t]he effective  
22 date of the disciplinary action . . . ."  
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1 Neither the RCW nor the civil service rules allow the Board to waive the jurisdictional requirements  
2 for filing appeals. The RCW and the rules require that the appeal must be received by the Board  
3 within thirty (30) days of the effective date of the disciplinary action.

4 In this case, the suspension was effective June 18, 2008 and the appeal was received July 21, 2008.  
5 The appeal was received thirty-three (33) days after the effective date of the disciplinary action.  
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7 On August 12, 2008, Board staff served the parties with a Notice of Potential Dismissal. The notice  
8 stated that the appeal appeared to be untimely. The notice also stated that the appeal would be  
9 dismissed unless, within fifteen (15) calendar days following the date of service of the notice, the  
10 Board received a written request showing good cause why the appeal should not be dismissed.  
11 Neither party submitted a response to the notice.

12 In this case, Mr. Heath's appeal was filed more than thirty (30) days after the effective date of his  
13 suspension. As a result, the appeal is untimely and should be dismissed.  
14

15 The Board having reviewed the file and records herein, being fully advised in the premises, now  
16 enters the following:

17 **ORDER**

18 NOW, THEREFORE, IT IS HEREBY ORDERED that the appeal of the David Heath v. Central  
19 Washington University, PAB Case No. R-SUSP-08-007, is dismissed.

20  
21 DATED AND MAILED this \_\_\_\_ day of \_\_\_\_\_, 2008.

22 **WASHINGTON PERSONNEL RESOURCES BOARD**

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MARSHA TADANO LONG, Chair

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JOSEPH PINZONE, Vice Chair

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LAURA J. ANDERSON, Member