BEFORE THE PERSONNEL RESOURCES BOARD

STATE OF WASHINGTON

MELANIE SEIDEL Appellant, v. DEPARTMENT OF SOCIAL AND HEALTH SERVICES, Respondent.	Case No. R-RULE-18-003 ORDER OF DISMISSAL

INTRODUCTION

This matter came before the Personnel Resources Board, NANCY HOLLAND YOUNG, Chair, VICKY BOWDISH, Vice-Chair and SUSAN MILLER, Member. Pursuant to WAC 357-52-208, the Board conducted its review of the exceptions filed by the Appellant through written documentation.

The Appellant was given notice on June 11, 2018, that her position was reallocated from a Secretary Supervisor to an Office Support Supervisor 2 classification. The Director's Review Program received Appellant's Request for Director's Review on July 13, 2018. On July 17, 2018, Karen Wilcox, Director's Review Program Coordinator, sent an email to the Appellant and Yolanda Geolingo that addressed the timeliness issue.

On July 17, 2018, the Respondent responded to Ms. Wilcox's request and stated "Ms. Seidel and management received a copy of the determination letter via e-mail on Wednesday, 6/11/2018, at 1:13 p.m. Ms. Seidel [sic] original determination letter was mailed on Wednesday, 6/11/2018, via US Postal Service to address on file at 1:30 p.m. DSHS mail is picked up daily by CMS[1] no later than 2:30 p.m." On August 9, 2018, the Appellant responded, "I replied well within 30 days of

[1] Contact Mail Services

receiving the [sic] this notice in the mail, which arrived the day before I took it to a local post office to have it prepared for mailing. Also, I was out for planned vacation leave and have been ill a couple of days and am now just seeing this e-mail." On August 16, 2018, a letter from Connie Goff, Rules and Appeals Section Chief, determined the request is an untimely request.

On August 31, 2018, the Personnel Resources Board received Ms. Seidel's request to appeal the Director's Determination regarding timeliness of filing a Request for Director Review of an allocation determination. On October 2, 2018, Board staff sent a letter to the parties stating Ms. Seidel submitted a written argument with her appeal and therefore, a written argument by the Respondent must be submitted within 30 days of the date of the letter. Board staff received Respondent's written argument on November 1, 2018.

FINDINGS

WAC 357-49-010(1) states that an individual may request a Director's review for allocation or reallocation pursuant to WAC 357-13-080, and the request must be made within thirty calendar days of being provided the results of a position review or notice of reallocation. Timeliness is further defined by WAC 357-49-023(1) outlines that "Director's review requests are considered filed when received in the director's review office in Olympia, Washington." In this matter, the request for Director's review was not received by the Director's Review Program until July 13, 2018, thirty-two (32) - days after the allocation notice. Based on the foregoing, the request for Director's review was untimely.

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ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that the appeal of MELANIE SEIDEL is denied and the determination of CONNIE GOFF regarding timeliness is upheld.

DATED this 10 day of January, 2019.

WASHINGTON PERSONNEL RESOURCES BOARD

Nancy Holland Young

NANCY HOLLAND YOUNG, Chair

VICKY BOWDISH, Vice Chair

Susan L Miller

SUSAN MILLER, Member