BEFORE THE PERSONNEL RESOURCES BOARD

STATE OF WASHINGTON

GINA ROSENDALE, Appellant, v. DEPARTMENT OF CORRECTIONS Respondent.	)))))))))	PRB Case No. R-JUR-11-005 **ORDER OF DISMISSAL**

This matter came before the Personnel Resources Board DJ MARK, Chair, and JOSEPH PINZONE, Vice Chair, for dismissal pursuant to WAC 357-52-215 and WAC 357-52-220.

WAC 357-52-215 provides, in relevant part:

> The board may dismiss an appeal on its own motion when:
>
> (1) An appellant has failed to provide information required under WAC 357-52-020;
>
> . . .
>
> (3) An appeal is not filed on time. . .

On July 28, 2011, Gina Rosendale filed an appeal of her layoff from the Department of Corrections Division of Community Corrections. In her appeal, Ms. Rosendale stated that her layoff was effective November 23, 2009. She also stated that she believed that when positions are reestablished, they should be filled by the supervisors who were laid off.

As provide in the Board's statute, appeals must be filed within thirty days of the effective date of the action appealed. See RCW 41.06.170. In addition, WAC 357-52-015 provides, in relevant part:

> In order to be considered timely, an appeal must be received in writing at the office of the board within thirty calendar days after:
>
> (1) The effective date of the . . . layoff. . . .

Because Ms. Rosendale's appeal was filed more than thirty days after the effective date of her layoff, it appeared that her appeal of the layoff was untimely.

Additional, Ms. Rosendale did not cite the civil service rule(s) or statute(s) that she believed had been violated as required by WACs. Further, the first step of a rule violation appeal is a review by the director of the Department of Personnel. It did not appear that Ms. Rosendale's appeal had been reviewed by the director. See WAC 357-52-010 (1)(b)(ii), WAC 357-52-020(e), WAC 357-49-015(e), and WAC 357-49-017.

Because it appeared that Ms. Rosendale's appeal was untimely or not properly before the Board, by letter dated July 29, 2011, Board staff directed the parties to provided written argument addressing the Board's jurisdiction in this matter. Written arguments were due within twenty-one days of the July 29, 2011, letter. Neither party submitted written argument.

On August 22, 2011, Board staff served the parties with a Notice of Potential Dismissal. The notice stated that the appeal would be dismissed unless, within fifteen calendar days following the date of service of the notice, the Board received a written request showing good cause why the appeal should not be dismissed. Neither party submitted a request.

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

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ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that the appeal request of Gina Rosendale vs. Department of Corrections, PRB Case No. R-JUR-11-005, is dismissed.

DATED AND MAILED this _____ day of _____, 2011.

WASHINGTON PERSONNEL RESOURCES BOARD

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DJ MARK, Chair

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JOSEPH PINZONE, Vice Chair