BEFORE THE PERSONNEL RESOURCES BOARD

STATE OF WASHINGTON

RICHARD FLORES, Appellant, v. DEPARTMENT OF CORRECTIONS, Respondent.	)	PRB Case No. R-JUR-14-002 **ORDER OF DISMISSAL**

This matter came before the Personnel Resources Board, NANCY HOLLAND YOUNG, Chair; DJ MARK, Vice Chair; and SUSAN MILLER, Member, 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:
> . . .
> (4) The board lacks jurisdiction over the subject matter or parties to the appeal. . . .

On September 22, 2014, the Personnel Resources Board received Mr. Flores' letter asking to appeal the termination of his exempt appointment at the Department of Corrections - Correctional Industries.

The civil service laws for employees of the State of Washington are found in Chapter 41.06 RCW. RCW 41.06.070 provides for the exemption of certain positions from coverage of the civil service laws.

RCW 41.06.170 provides appeal rights for classified employees covered by the civil service laws. Mr. Flores was in a position that was exempt, therefore, it appeared that his position that was not covered by the civil service laws and that the Board lacked jurisdiction over his dismissal.

In accordance with WAC 357-52-045, by letter dated September 29, 2014, Board staff directed the parties to provided affidavits and/or written argument addressing the Board's jurisdiction in this matter.

Mr. Flores did not file a response to the September 29, 2014, letter.

On October 16, 2014, the Department of Corrections (DOC) filed a response supporting dismissal of the appeal. In summary, DOC argued that Mr. Flores' position was exempt and that the Board did not have jurisdiction over his termination. DOC asked that the matter be dismissed.

In this case, it was undisputed that at the time of his termination, Mr. Flores was in an exempt position. As a result, it appeared that the appeal should be dismissed.

On October 22, 2014, the Board served the parties with a Notice of Potential Dismissal. The Notice of Potential Dismissal notified that parties 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 filed a response to the Notice of Potential Dismissal.

At the time of his termination, Mr. Flores was in an exempt position. Therefore, the Board lacks jurisdiction to hear an appeal of his termination.

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

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that the appeal of Richard Flores vs. Department of Corrections, PRB Case No. R-JUR-14-002, is dismissed.

DATED AND MAILED this _____ day of _____, 2014.

WASHINGTON PERSONNEL RESOURCES BOARD

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NANCY HOLLAND YOUNG, Chair

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DJ MARK, Vice Chair

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SUSAN MILLER, Member