BEFORE THE PERSONNEL RESOURCES BOARD

STATE OF WASHINGTON

LINDA SKAGGS, Appellant, vs. DEPARTMENT OF SOCIAL AND HEALTH SERVICES, Respondent.	CASE NO. R-JUR-18-013 **AMENDED ORDER OF DISMISSAL**

This matter came before the Personnel Resources Board (the "Board"), NANCY HOLLAND YOUNG, Chair, VICKY BOWDISH, Vice-Chair, and SUSAN MILLER, Member, for dismissal pursuant to WAC 357-52-215 and WAC 357-52-220.

On August 17, 2018, the PRB received Linda Skaggs' requests to appeal her letter of reprimand and alleged rule violations.

Upon receipt of the appeal request, Board staff, on August 20, 2018, and pursuant to WAC 357-52-215, requested the Appellant and interested parties provide written documentation outlining the jurisdictional issues. Specifically, RCW 41.06.170(5) outlines appeal rights for state employees, and expressly states, "Subsections (1) and (2) of this section do not apply to any employee who is subject to the provisions of a collective bargaining agreement negotiated under RCW 41.80.001 and 41.80.010 through 41.80.130."

The correspondence stated, "Affidavits and/or written argument must be submitted within twenty-one (15) calendar days of the date of this letter." As of the date of this Order, the Board has not received ~~any~~ arguments from ~~both~~ the Appellant. ~~and Respondent.~~ *On October 12, 2018, a copy of the Respondent's Motion to Dismiss along with a copy of a fax confirmation dated September 13, 2018 was provided to the PRB showing the Motion to Dismiss was submitted timely.*

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98504-911

Board Conclusion.

The PRB's purview concerning dismissal for represented employees is governed by RCW 41.06.170, which states (in relevant part):

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(2) Any employee who is reduced, dismissed, suspended, or demoted, after completing his or her probationary period of service as provided by the rules of the director, or 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…[emphasis added]

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(5) **Subsections (1) and (2) of this section do not apply to any employee who is subject to the provisions of a collective bargaining agreement** negotiated under RCW 41.80.001 and 41.80.010 through 41.80.130. [emphasis added]

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

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ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED the appeals of LINDA SKAGGS v. DEPARTMENT OF SOCIAL AND HEALTH SERVICES, PRB CASE NO. R-JUR-18-013 is dismissed for lack of jurisdiction pursuant to RCW 41.06.170(5).

DATED AND MAILED this 14th day of January, 2019.

WASHINGTON PERSONNEL RESOURCES BOARD

Nancy Holland Young

NANCY HOLLAND YOUNG, Chair

Vicky Bowdish

VICKY BOWDISH, Vice-Chair

Susan L. Miller

SUSAN MILLER, Member

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