BEFORE THE PERSONNEL RESOURCES BOARD

STATE OF WASHINGTON

DEBORAH REICHELDERFER Appellant, vs. DEPARTMENT OF RETRIEMENT SYSTEMS Respondent.	PRB Case No. R-JUR-17-011 **ORDER OF DISMISSAL**

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

On September 29, 2017, the PRB received Deborah Reichelderfer's request to appeal the Department of Retirement Systems' (DRS) alleged violation of layoff rules outlined WAC 357-46-070(e) and WAC 357-10-040(e) when she was downwardly reallocated from Management Analyst 2 (MA 2) to Office Assistant 3 (OA 3).

By letter October 5, 2017, Board staff explained the reasons why Ms. Reichelderfer's appeal was outside the Board's jurisdiction due to timeliness outlined in WAC 357-52-015. Board staff provided the parties twenty-one (21) days to address the Board's jurisdiction. Neither parties submitted a response to the 21-day notice.

On October 19, 2017, Board staff sent a Notice of Potential Dismissal giving the parties fifteen (15) days to respond showing good cause why the appeal should not be dismissed.

On November 9, 2017, Board staff received a response from Ms. Reichelderfer contending she did not receive information about transfers and bumping rights when she was downwardly reallocated. Ms. Reichelderfer requested the PRB help DRS understand their responsibility to help her return to a position comparable to her former MA 2 position.

Board Conclusion.

The PRB's purview concerning rule violations must be in accordance with WAC 357-52-015, which states:

> **By when must an appeal be filed and received in order to be considered timely?**
>
> 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 disciplinary action, layoff, or separation;
> (2) **The date the employee could reasonably be expected to have knowledge of the action giving rise to a law or rule violation claim or the stated effective date, whichever is later.** (emphasis added)

…

Since Ms. Reichelderfer's allocation occurred in September of 2014, it does not meet the timeliness provisions under WAC 357-52-015.

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 the appeal of DEBORAH REICHELDERFER V. DEPARTMENT OF RETIRMENT SYSTEMS, PRB Case No. *R-JUR-17-011*, is dismissed.

DATED AND MAILED this _____ day of _____, 2017.

WASHINGTON PERSONNEL RESOURCES BOARD

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VICKY BOWDISH, Vice Chair

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SUSAN MILLER, Member