

1 **BEFORE THE PERSONNEL RESOURCES BOARD**

2 **STATE OF WASHINGTON**

3 BRUCE MOEN,)
4 Appellant,)
5 v.)
6 SKAGIT VALLEY COLLEGE)
7 Respondent.)
8)

PRB Case No. R-JUR-16-006

ORDER OF DISMISSAL

9 This matter came before the Personnel Resources Board, NANCY HOLLAND YOUNG, Chair,
10 SUSAN MILLER, Vice-Chair, and VICKY BOWDISH, Member, for dismissal pursuant to WAC
11 357-52-215 and WAC 357-52-220.

12 On October 25, 2016, the Personnel Resources Board received Bruce Moen’s appeal taking
13 exception to the director’s determination regarding the allocation of his Maintenance Mechanic 2
14 position.

15 The appeal was received thirty-four (34) days after service of the director’s determination and
16 appeared to be untimely.

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

18 The board may dismiss an appeal on its own motion when:

19 . . .

20 (3) An appeal is not filed on time . . .

21 In accordance with WAC 357-52-045, by letter dated October 27, 2016, Board staff directed the
22 parties to provide affidavits and/or written argument addressing the issue of timeliness within
23 twenty-one (21) calendar days. Neither party submitted a response.
24

1 By letter dated November 29, 2016, the Board served Mr. Moen and Skagit Valley College with a
2 Notice of Potential Dismissal. The Notice of Potential Dismissal notified the parties the appeal
3 would be dismissed unless, within fifteen (15) calendar days following the date of service of the
4 notice, the Board received a written request showing good cause why the appeal should not be
5 dismissed. Neither Mr. Moen nor Skagit Valley College submitted a response to the Notice of
6 Potential Dismissal.

7 RCW 41.06.170(4) establishes the timeframe for filing allocation appeals to the Personnel
8 Resources Board. The RCW states, “[a]n employee incumbent in a position at the time of its
9 allocation or reallocation, or the agency utilizing the position, may appeal the allocation or
10 reallocation to the Washington Personnel Resources Board. Notice of such appeal must be filed in
11 writing within thirty days of the action from which appeal is taken.”

12 In addition, WAC 357-52-015 provides, in relevant part: “[i]n order to be considered timely, an
13 appeal must be received in writing at the office of the board within thirty calendar days after: . . . (2)
14 Service of the director's determination unless the rules specifically state that the director's
15 determination is final . . .”

16
17 Neither the RCW nor the civil service rules allow the Board to waive the jurisdictional requirements
18 for filing appeals. The rules require that allocation appeals must be received by the Board within
19 thirty days after service of the director’s determination.

20
21 The Board having reviewed the file and records herein and being fully advised in the premises now
22 enters the following:
23
24
25
26

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that the appeal of BRUCE MOEN v SKAGIT VALLEY COLLEGE, PRB Case No. R-JUR-16-006, is dismissed.

DATED AND MAILED this _____ day of _____, 2016.

WASHINGTON PERSONNEL RESOURCES BOARD

NANCY HOLLAND YOUNG, Chair

SUSAN MILLER, Vice-Chair

VICKY BOWDISH, Member