

January 14, 2011

Richard Reece

RE: Richard Reece v. Everett Community College (ECC)  
Allocation Review Request ALLO-10-062

Dear Mr. Reece:

We received a Director's Review Request from you on December 8, 2010. On December 9, 2010, Karen Wilcox, Director's Review Coordinator, sent a letter to both you and Linda Nichols, Human Resources (HR) Consultant at Everett Community College, addressing the timeliness of the request. Ms. Nichols responded indicating that the October 27, 2010 allocation determination letter was deposited in campus mail that same day. She also sent a copy of a November 1, 2010 email from you to HR referring to the determination you had received, which indicates you were in receipt of it by that date. You did not provide a response addressing timeliness.

WAC 357-13-080(1) requires employees to request a Director's review within thirty calendar days "of being provided the results of a position review or the notice of reallocation."

WAC 357-04-105(1) provides, in part, the following:

. . . when the civil service rules require an . . . employee . . . to receive notice, the notice must be provided by personal delivery, United States mail, or by telephone facsimile transmission with same-day mailing of copies unless the specific rule requiring notice allows for alternative methods of providing notice such as electronic mail ("e-mail"), state mail service, commercial parcel delivery or campus mail service.

WAC 357-04-105(2) then provides, in part, the following:

. . . service of notice upon parties will be regarded as completed when personal delivery has been accomplished; or upon deposit in the United States mail, properly stamped and addressed; or upon production by telephone facsimile transmission of confirmation of transmission. When a specific rule allows alternative methods of service, service upon parties will

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be regarded as completed when it is actually received by the party to which notice is being provided.

It is evident that you received the allocation determination through campus mail on or before November 1, 2010. Therefore, the deadline for requesting a review elapsed on December 1, 2010. Because this request was not received until December 8, 2010, it is untimely, and the matter is closed.

Either party may appeal the Director's determination on timeliness to the Personnel Resources Board by filing written exceptions to the Director's determination in accordance with Chapter 357-52 WAC. Please refer to any Collective Bargaining Agreement regarding appeal rights to the Personnel Resources Board.

WAC 357-52-015 states that an appeal must be received in writing at the office of the board within thirty (30) calendar days after service of the Director's determination. The address for the Personnel Resources Board is 600 South Franklin, P.O. Box 40911, Olympia, Washington, 98504-0911.

If no further action is taken, the Director's determination becomes final.

Sincerely,

Teresa Parsons, SPHR  
Director's Review Program Supervisor  
Legal Affairs Division

c: Linda Nichols, ECC HR