



STATE OF WASHINGTON
OFFICE OF THE STATE HUMAN RESOURCES DIRECTOR

DIRECTOR'S REVIEW PROGRAM
P.O. Box 40911, Olympia, WA 98504-0911
(360) 902-9820 · FAX (360) 586-4694

March 31, 2014

Frank Fox

RE: Frank Fox v. Department of Agriculture (AGR)
Allocation Review Request

Dear Mr. Fox:

We received your request for a Director's Review on February 25, 2014. On February 27, 2014, Karen Wilcox, Director's Review Coordinator sent a letter to both you and Barbara Hoff, Department of Agriculture Human Resources, addressing the timeliness of your request. Ms. Hoff responded with an email on March 27, 2014, stating that the January 21, 2014 allocation letter was emailed to you on January 22, 2014.

Inti Tapia, Washington Federation of State Employees, also responded by email to Ms. Wilcox's letter. He stated that since the allocation letter was emailed on January 22, 2014, your request is timely.

You responded by email on March 27, 2014, as well, indicating that you opened the January 22, 2014 email containing the January 21, 2014 allocation letter either that evening or possibly on the morning of Jan 23.

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

Since the January 21, 2014 letter was served via email, the rules for alternative methods of service apply, and service is regarded as completed when the letter is actually received by the employee. You have stated that you received the letter on either January 22 or 23, 2014, therefore the thirty day period for requesting a review elapsed on February 24, 2014. Because your Director's Review request was not received until February 25, 2014, it is untimely and the matter is closed.

Appeal Rights

WAC 357-49-018 provides that either party may appeal the results of the Director's review to the Personnel Resources Board (board) by filing written exceptions to the Director's determination in accordance with Chapter 357-52 WAC.

The mailing address for the Personnel Resources Board (PRB) is P.O. Box 40911, Olympia, Washington, 98504-0911. The PRB Office is located on the 4th floor of the Insurance Building, 302 Sid Snyder Avenue SW, Olympia, Washington. The main telephone number is (360) 902-9820, and the fax number is (360) 586-4694.

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

Sincerely,

Teresa Parsons, SPHR
Director's Review Program Supervisor
Office of the State HR Director

c: Barbara Hoff, AGR HR
Inti Tapia, WFSE