



STATE OF WASHINGTON
OFFICE OF FINANCIAL MANAGEMENT

STATE HUMAN RESOURCES DIVISION | DIRECTOR'S REVIEW PROGRAM
P.O. Box 40911 · Olympia, WA 98504-0911 · (360) 407-4101 · FAX (360) 586-4694

March 19, 2015

Deborah Reichelderfer
15225 Knowles Road SE
Tenino, WA 98589

RE: Deborah Reichelderfer v. Department of Retirement Systems (DRS)
Allocation Review Request ALLO-14-107

Dear Ms. Reichelderfer:

On October 31, 2014, we received your Request for Director's Review form requesting a Director's Review of your position reallocation from Management Analyst 2 to Office Assistant 3, which became effective October 1, 2014 (Exhibit A-1).

Because it appeared that the request for review was untimely, on November 14, 2014, Karen Wilcox, Director's Review Coordinator, sent a letter to you and Chris Greenwalt, HR Operations Manager, DRS addressing the timeliness of your request (Exhibit C-1).

Ms. Greenwalt responded by letter dated November 19, 2014, indicating that you were informed of the decision to reallocate your position from the Management Analyst 2 to Office Assistant 3 on September 18, 2014 during a meeting with HR Services staff and yourself (Exhibit B1). She states that you were hand delivered a copy of the allocation determination letter, dated September 16, 2014, at that time (Exhibit B-2).

The determination letter stated, in part, that: "In accordance with WAC 357-13-080, you may request a review of the results of this reallocation, in writing, to the State Human Resources Division within thirty (30) calendar days of being provided this notice of reallocation."

You responded by letter on December 9, 2014, indicating that you were notified of the reallocation during the meeting with HR staff on September 18, 2014, and that you mistakenly considered the effective date of the personnel action (i.e. October 1, 2014), as the beginning of the appeal period (Exhibit A-3).

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:

. . . 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:

. . . 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.

DRS's allocation determination letter was provided to you on September 18, 2014. Therefore, the deadline for requesting a review was October 18, 2014. Your request was not received until October 31, 2014 (Exhibit A-1).

Therefore, your request is untimely and the matter is closed.

Appeal Rights

RCW 41.06.170 governs the right to appeal. RCW 41.06.170(4) provides, in relevant part, the following:

An employee incumbent in a position at the time of its allocation or reallocation, or the agency utilizing the position, may appeal the allocation or reallocation to the Washington personnel resources board. Notice of such appeal must be filed in writing within thirty days of the action from which appeal is taken.

The mailing address for the Personnel Resources Board is P.O. Box 40911, Olympia, Washington, 98504-0911. The PRB Office is located on the 3rd floor of the RAAD Building, 128 10th Avenue SW, Olympia, Washington. The main telephone number is (360) 407-4101, and the fax number is (360) 586-4694.

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

c: Chris Greenwalt, DRS/HR

List of Exhibits

A. Deborah Reichelderfer Exhibits

1. Director's Review Form received October 31, 2014.
2. Position allocation determination notice from Chris Greenwalt to Deborah Reichelderfer dated September 16, 2014.
3. Response memo from Deborah Reichelderfer to Karen Wilcox received by State HR on December 10, 2014.

B. Department of Retirement Systems Exhibits

1. Letter from Chris Greenwalt to Karen Wilcox dated November 19, 2014 with attachment:
 2. Copy of the position allocation determination notice from Chris Greenwalt to Deborah Reichelderfer dated September 16, 2014.

C. State HR Exhibits

1. November 14, 2014 letter from Karen Wilcox to Deborah Reichelderfer and Chris Greenwalt requesting clarification of action dates and review request