

WAC 139-06-140 Hearing on petition for eligibility for certification or reinstatement of certification. (1) The commission may hold a hearing to determine the previously certified officer's eligibility for certification or reinstatement of certification per RCW 43.101.115.

(a) The commission will review the request and determine whether to hold a hearing based on criteria established in commission policy. All parties shall be notified of the decision in writing and the reasons for the decision, if denied.

(b) Where a petition is denied, all parties may appeal the denial utilizing commission appeal processes within 14 days of receipt of notification that the petition was denied.

(c) The executive director or designee will review an appeal and make a written determination within 30 days of receiving an appeal.

(2) Hearings on eligibility for certification or reinstatement of certification shall be conducted by a hearing panel.

(a) The hearing panel as defined in RCW 43.101.380 shall review the certification file and any additional records and information submitted by the parties prior to the hearing and may request any additional records and information to assist in its determination.

(b) The issues shall be limited to whether eligibility for certification is met, whether certification should be reinstated, and whether probationary terms should be imposed as a condition of reinstatement pursuant to WAC 139-06-150.

(3) The hearing panel shall enter its decision on the petition by written order as soon as possible within 90 days of the conclusion of the hearing, unless the time is extended for good cause or waived. A copy of the order shall be sent to the parties and to their employing agency.

(4) The decision of the hearing panel shall be the final order of the commission.

(5) The respondent whose petition for eligibility for certification or reinstatement of certification was denied by a hearing panel for reasons other than those outlined in RCW 43.101.115 (1), (2), and (3) may file a subsequent petition after five years have lapsed since the date of the entry of the hearing panel's final written order denying the prior petition. If a second petition for reinstatement is denied, no further petitions may be filed. The commission will not consider or accept a petition for reinstatement submitted after two prior petitions have been denied.

[Statutory Authority: RCW 43.101.080 and 43.101.801. WSR 22-13-075, § 139-06-140, filed 6/9/22, effective 7/10/22. Statutory Authority: RCW 43.101.080. WSR 14-01-046, § 139-06-140, filed 12/11/13, effective 1/11/14; WSR 03-02-010, § 139-06-140, filed 12/20/02, effective 1/20/03.]