

WAC 357-19-200 When must an employee apply to return to classified service from exempt service? Employees exercising return rights should provide as much advance notice as is practicable to the receiving employer. The employee must apply to return to classified service within 30 calendar days of:

- Separation from employment in the exempt position, or
- Separation from employment in any subsequent exempt position if there is no break in state service of more than 30 calendar days between initial and subsequent exempt appointments.

Employees who apply for return to classified service within 30 calendar days must be returned to a position at the time of separation from the exempt appointment or the time of application, whichever is later.

The right of return may not be exercised if the employee is terminated from the exempt position for gross misconduct or malfeasance, or during the pendency of an investigation if the employee has been given written notice that they are the subject of an active workplace investigation which may result in a finding of gross misconduct or malfeasance.

For purposes of this section:

- (1) "Written notice" includes notice sent by email to the employee's work email address; and
- (2) "Pendency of an investigation" lasts until the employer has taken final appropriate action based on the finding of the investigation.

[Statutory Authority: RCW 41.06.150 and 41.06.070. WSR 23-24-020, § 357-19-200, filed 11/28/23, effective 1/1/24. Statutory Authority: Chapter 41.06 RCW. WSR 05-01-206, § 357-19-200, filed 12/21/04, effective 7/1/05.]