

**WAC 357-46-125 What happens if an employee does not complete the transition review period?** (1) The employer may involuntarily separate an employee from a position during the transition review period or the employee may choose to voluntarily separate from a position. The employer must give seven calendar days' written notice to an employee who is being separated during a transition review period. If during the last seven days of the transition review period, the employee commits an egregious act which warrants separation, the employer may immediately separate the employee without seven calendar days' notice. An employee may voluntarily separate a maximum of three times as a result of a single layoff action.

(2) When an employee who is serving a transition review period following appointment to a position as a layoff option is separated from the position during the transition review period, the following applies:

(a) The employee must be provided with a layoff option in accordance with WAC 357-46-035 if the employer involuntarily separates the employee; or

(b) The employee's name is placed on any layoff lists for which the employee is eligible if the employee voluntarily separates.

(3) When an employee who is serving a transition review period following appointment from a layoff list or the general government transition pool is separated from the position during a transition review period, the employee's name is reinstated on any layoff list from which it was removed at the time of placement in the position. The employee remains on the list until the employee's initial eligibility expires or they are rehired. The time served during the transition review period does not extend the period of eligibility for a layoff list or the transition pool.

(4) Separation during the transition review period is not subject to appeal.

[Statutory Authority: Chapter 41.06 RCW. WSR 10-11-070, § 357-46-125, filed 5/14/10, effective 6/15/10; WSR 05-12-078, § 357-46-125, filed 5/27/05, effective 7/1/05; WSR 04-18-114, § 357-46-125, filed 9/1/04, effective 7/1/05.]