Chapter 357-43 WAC

EMPLOYEE BUSINESS UNITS

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**WAC 357-43-080** Are employee business unit members eligible to participate in the employee's shared leave program?

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**WAC 357-43-090** What provisions apply when an employee's position is eliminated because the employer has awarded a contract through the competitive contracting process as described in Title 200 WAC?

**WAC 357-43-095** What provisions apply when an employee's position is eliminated because the employer has awarded a contract through the competitive contracting process as described in Title 200 WAC?

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WAC 357-43-001 What definitions apply to this chapter of the civil service rules? The following definitions apply to chapter 357-43 WAC:

1. **Appointing authority:** An individual lawfully authorized to appoint, transfer, layoff, reduce, dismiss, suspend, or demote employees.

2. **Contract:** A formal and binding agreement or an amendment to an agreement between an employer and an employee business unit for performing services as defined in the competitive contracting solicitation.

3. **Employee business unit:** A group of employees who perform services for which an employer proposes to competitively contract and who:

   a. Notify the agency of their intent to submit a bid for the performance of those services through competitive contracting; or

   b. Receive award of a contract from the employer as a result of being a successful bidder.

4. **Employee business unit member:** A classified employee working under the provisions of chapter 357-43 WAC.
(5) **Employer:** A state agency, an institution of higher education, or a related higher education board.

[WAC 357-43-003 Can EBU members choose which civil service rules will apply to them? EBU members may choose to opt out of civil service rules that are not required in statute.]

[WAC 357-43-004 What is the purpose of this chapter? The purpose of this chapter is to establish the chapter of civil service rules that apply to employee business unit members when employed under a contract.]

[WAC 357-43-007 What provisions apply when an employee's position is eliminated because the employer has awarded a contract through the competitive contracting process as described in Title 200 WAC? WAC 357-46-012 governs layoff actions resulting from the competitive contracting process as described in Title 200 WAC.]

[WAC 357-43-008 What happens if an employee chooses to not be a part of the employee business unit? When an employee chooses to not be a part of the employee business unit, the following applies:

(1) If the employee chooses to not be a part of the employee business unit before the employer's notification of the intent to award the contract to the employee business unit (as described in WAC 200-320-600), the employee has layoff rights in accordance with WAC 357-46-012.

(2) If the employee chooses to not be a part of the employee business unit after the employer's notification of the intent to award the contract to the employee business unit (as described in WAC 200-320-600), the employee has no layoff rights under chapter 357-46 WAC and is considered to have resigned when his/her position is eliminated.]

[WAC 357-43-015 Which rules explain employee business unit bid submittal and bid evaluation? The rules explaining employee business unit bid submittals and evaluation of those bids are included in chapter 200-320 WAC, Competitive contracting.]

[WAC 357-43-020 Are employee business unit members classified employees? Employee business unit members continue to be classified employees.]

[WAC 357-43-025 What establishes the terms and conditions of employment for employee business unit members? The terms and conditions of employee business unit employment are established by the contract or by appointment actions taken under that contract.]

[WAC 357-43-030 Must employment within an employee business unit comply with applicable federal, state and municipal statutes and regulations? Employment within an employee business unit must comply with applicable federal, state and municipal statutes and regulations and executive orders as applicable.]

[WAC 357-43-035 May authority be delegated within an employee business unit? The duties of an appointing authority may be delegated to an employee business unit member.]

[WAC 357-43-040 Must employee business unit members complete employer required training? Employee business unit members must complete any training required by the contracting employer or must satisfy training requirements as prescribed by the employee business unit contract.]

[WAC 357-43-050 Must an employer include positions in an employee business unit in the employer's affirmative action plan? Positions in an employee business unit must be included in the employer's affirmative action plan.]

[WAC 357-43-100 Can an employee business unit member accept an appointment in an exempt position or a classified position outside of the employee business unit? An employee business unit member may accept an appointment to an exempt position or a classified position outside of the employee business unit.]

[WAC 357-43-110 If an employee business unit member accepts an appointment to an exempt position, what are the employee's return rights? A former employee business unit member who was appointed to an exempt position...]

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from the employee business unit has return rights provided in RCW 41.06.070.

[Statutory Authority: Chapter 41.06 RCW. WSR 07-11-092, § 357-43-115, filed 5/16/07, effective 7/1/07; WSR 05-01-193, § 357-43-115, filed 12/21/04, effective 7/1/05.]