



## **Agenda**

### Special Meeting

Board of Trustees, District No. 20

Walla Walla Community College

Walla Walla Community College Clarkston Campus

1470 Bridge Street; Clarkston, WA

Wednesday, December 1, 2021

**\*Please note: To comply with Governor Inslee's Proclamation temporarily suspending the Open Public Meetings act, public attendance will be virtual only. To connect to the Wednesday, December 1, 2021 Board Meeting, go to ZOOM: <https://wwcc-edu.zoom.us/j/82358361846> or dial-in: 253/215-8782. If you wish to address the Board during Public Comment, please sign up in the chat with your name and whether you are faculty, staff, student, or a community member. You will be called on individually; we ask that you keep your comments within the three-minute limit; and to remember this is intended for Public Comment – not for questions and answers.**

### Special Board Meeting

#### All Times Are Estimates

**11:30 a.m**

#### **Call to Order**

*Mr. Bill Warren, Chair*

#### **Appointment of Hearing Officer**

*Ms. Sherry Hartford*

**Action**

**Tab 1**

#### **Public Comment**

#### **Adjourn**

## WALLA WALLA COMMUNITY COLLEGE

### MEMORANDUM

**DATE:** November 29, 2021

**TO:** Board of Trustees

**FROM:** Sherry Hartford, Vice President of Human Resources

**SUBJECT:** Appointment of Hearings Officer

At the Board's request, as a follow-up to the November 22, 2021 Board of Trustees meeting, I have contacted the Office of Administrative Hearings (OAH) to inquire about the appointment of a Hearing Officer in the matter of a tenured faculty dismissal.

The OAH, an agency of the State of Washington, was established in 1981 to hold fair and impartial hearings for people who have a dispute with a state or local agency. The purpose of OAH is to promote public trust and confidence in the hearing process. The OAH employs permanent, temporary and part time administrative law judges (ALJs) who preside over administrative hearings and issue written orders and/or recommended findings of fact. The hearings comply with all requirements of the Administrative Procedures Act and state ethics laws. WWCC has in place a Memorandum of Understanding with OAH for the purpose of engaging the appointment of a hearing officer when necessary. I have attached an OAH Overview and flow chart of the hearing process.

In accordance with Article 35.4 C of the collective bargaining agreement between the Board of Trustees and the WWCC Association for Higher Education, on behalf of the Board, I consulted with AHE President Jim Peitersen. He is aware of the MOU with OAH and has expressed no objections.



# Washington State Office of Administrative Hearings

Independent | Very Accessible | Expert

**Mission:** We independently resolve administrative disputes through accessible, fair, prompt processes and issue sound decisions. *Holding independent, fair hearings since 1982*

## Vision:

We offer a convenient, easy to navigate system to request and receive fair, impartial hearings on appeals of government actions. Washingtonians and government agencies trust OAH as the best neutral adjudicative forum to resolve administrative disputes.

## History:

The Legislature created OAH in 1981, adopting the recommendation of the Washington State Bar Association Administrative Law Task Force to “*improve the appearance of fairness*” in the administrative hearing process.

The Legislature also intended administrative hearings to be easily accessible for the public: *“Hearings shall be conducted with the greatest degree of informality consistent with fairness and the nature of the proceeding.”*

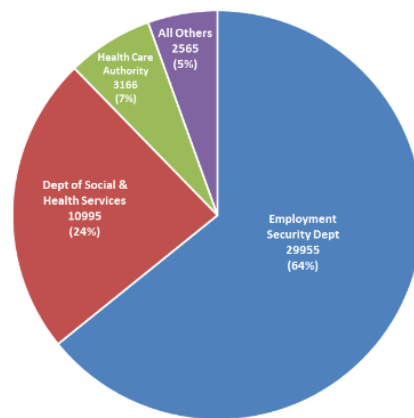
**RCW 34.12.010**

Please visit our website

**WWW.OAH.WA.GOV**

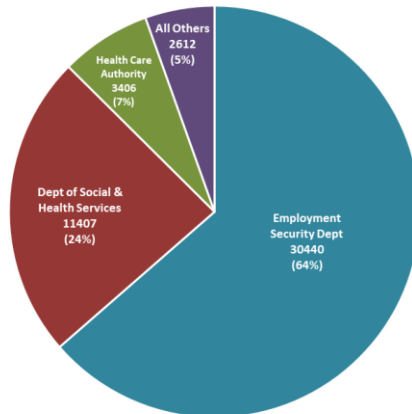
**Why we hold hearings:** So that citizens and businesses who disagree with decisions made by state and some local government agencies have the opportunity to be heard. The Administrative Law Judge presiding over the hearing issues a written order deciding whether to affirm, modify or reverse the agency decision.

**Number of Cases Received in FY 2020 – 46,681**



All Other Agencies	# Received	# Closed
Dept of Children, Youth & Families	1320	1467
Labor & Industries	371	299
Superintendent of Public Instruction	272	274
Liquor & Cannabis Board	120	142
Gambling Commission	54	62
Dept of Financial Institutions	30	32
Office of Insurance Commissioner	25	28
Washington State University	25	22
Department of Licensing	17	19
Washington State Patrol	15	11
OMWBE	7	10
Other Agencies	299	246

**Number of Cases Closed in FY 2020 – 47,865**



### New 2020 Caseloads/Programs:

- ESD Paid Family Medical Leave (PFML)
- Labor & Industries Apprenticeship Training Council
- Dept of Fish & Wildlife

### Highlights:

- New electronic filing rule, WAC 10-08-110, effective date April 6, 2020
- Secure email transmission option in response to COVID-19 crisis
- Participant portal launch April 2020 for parties to access their case records
- Established new Ethics Advisory Committee May 2020

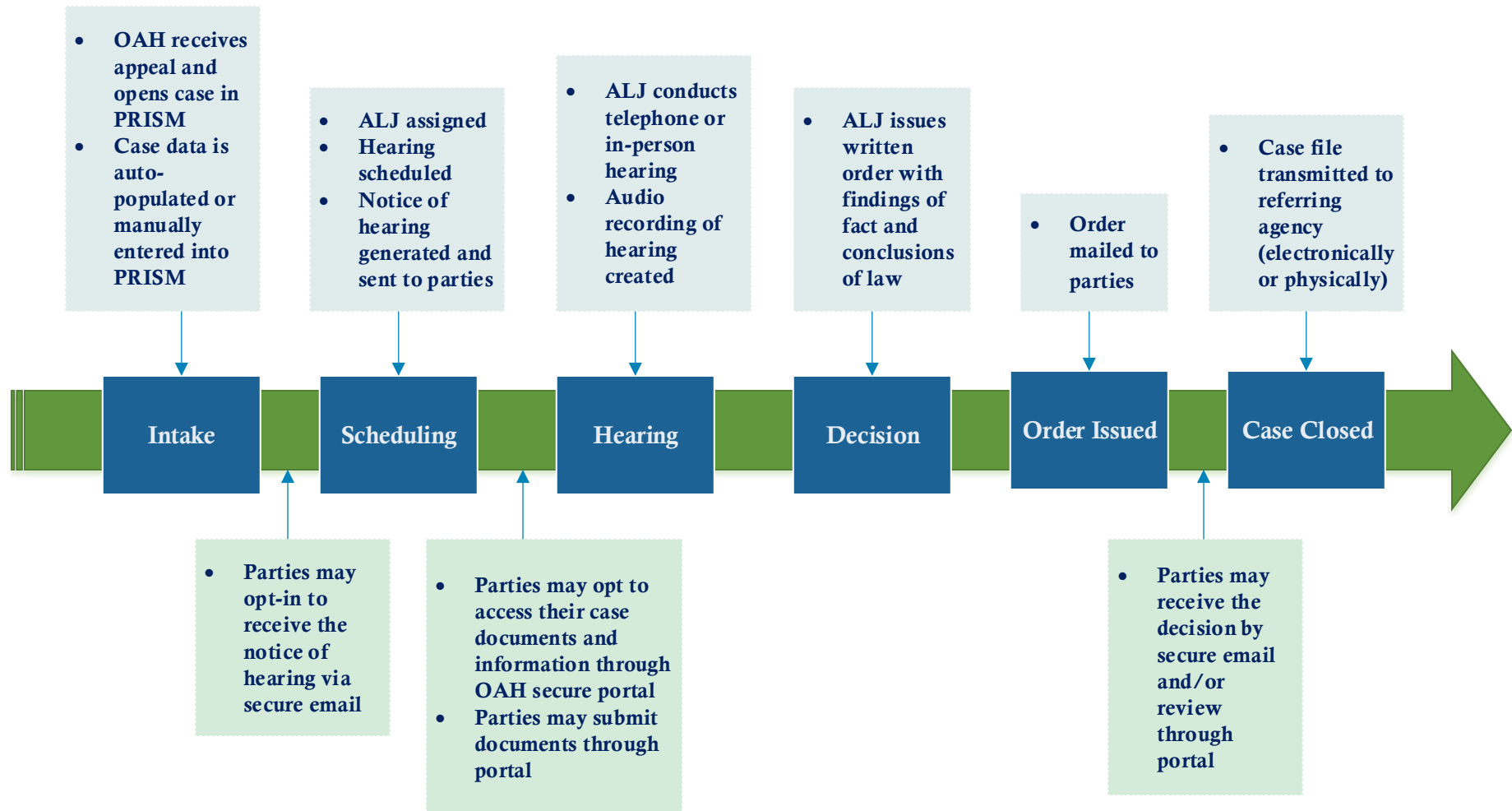
### OAH Workforce:

- 116 Administrative Law Judges
- 80 Field Office Support and HQ Administrative Staff





# OAH Appeal Process



## Key Facts:

- Vast majority of hearings held by telephone
- Most parties are self-represented

## Parties in Different Case Types:

- ESD – claimant, employer
- DCS – custodial & non-custodial parents, DSHS claims officer
- HCA – appellant, agency hearings coordinator
- OSPI – student/parent, school district
- LCB – licensee/applicant, Assistant Attorney General represents LCB