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Honorable Catherine Shaffer

SUPERIOR COURT OF WASHINGTON FOR KING COUNTY

DOUGLAS L. MOORE, MARY CAMP, )  
GAYLORD CASE, and a class of similarly )  
situated individuals, )

Plaintiffs, )

v. )

HEALTH CARE AUTHORITY and )  
STATE OF WASHINGTON, )

Defendants. )

NO. 06-2-21115-4 SEA

[PROPOSED] ORDER GRANTING  
PLAINTIFFS' MOTION FOR PARTIAL  
SUMMARY JUDGMENT ON  
"NONPERMANENT" EMPLOYEES

This matter came before the Court on Plaintiffs' Motion for Partial Summary Judgment on "Nonpermanent" Employees.

**Items Presented to the Court**

The following items were called to the Court's attention:

1. Plaintiffs' Motion for Partial Summary Judgment on "Nonpermanent" Employees, any opposition to that motion, and any reply to that motion;
2. Stephen Festor's October 16, 2009 declaration with exhibits.
3. Gaylord Case's declaration;
4. Order Granting Plaintiffs' Motion for Partial Summary Judgment on Career Seasonal Employees, and all items identified in that order; and
5. Order Granting in Part and Denying in Part Plaintiffs' Motion for Partial Summary Judgment on Part-Time Faculty, and all items identified in that order.

1 Decision and Order

2 The Court finds this matter has no material issues of fact and orders as follows:

3 In December 2007 the Court ruled that non-faculty career seasonal employees are  
4 eligible for year-round health insurance if they work on average half-time or more on a nine  
5 month or longer seasonal basis and there is no requirement that the employees work half-time  
6 "per month." Consistent with the Court's December 2007 ruling, HCA has continually  
7 interpreted the non-permanent employee rule (WAC 182-12-115(2)) since its adoption in  
8 1988 to make employees eligible for health insurance after they work on average half-time or  
9 more over six months. The Legislature then codified this interpretation in 1993 as the  
10 "minimum" eligibility criteria. RCW 41.05.065(2)(g). Based on the principles in the Court's  
11 December 2007 ruling on career seasonal employees, HCA's longstanding interpretation of  
12 the nonpermanent employee rule, RCW 49.44.160 and -.170, and RCW 41.05.065(2)(g), the  
13 Court rules that "nonpermanent" employees are eligible for health insurance commencing in  
14 the seventh month of employment if they work on average half-time or more over the  
15 previous six consecutive months and there is no requirement that the employees work half-  
16 time in *each* month. This ruling pertains to the period up to and including December 31,  
17 2009, after which eligibility is governed by Chap. 537, Laws of 2009, effective on January 1,  
18 2010.

18 Plaintiffs' motion is granted.

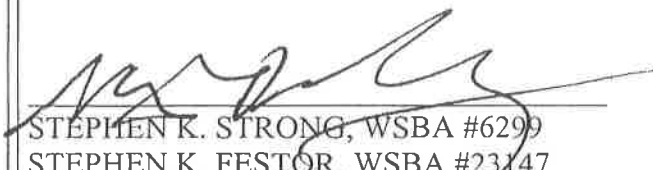
19 DATED this 13<sup>th</sup> day of November 2009.

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21 CATHERINE SHAFFER  
22 Superior Court Judge

1 Presented by:

2 BENDICH, STOBAUGH & STRONG, P.C.

3   
4 STEPHEN K. STRONG, WSBA #6299  
5 STEPHEN K. FESTOR, WSBA #23147  
6 Attorneys for Plaintiffs and the Class

7  
8 *Approved as to form*  
9 *Notice of Presentation waived*

10 *Debra Edmunds*  
11 *WSBA # 18889*  
12 *Attorney for State*  
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