

WSR 21-18-038
PERMANENT RULES
OFFICE OF
FINANCIAL MANAGEMENT

[Filed August 24, 2021, 11:31 a.m., effective September 24, 2021]

Effective Date of Rule: Thirty-one days after filing.

Purpose: To protect an employee's seniority date when leave without pay is taken as authorized by a proclamation issued by the governor directly related to health and safety.

Citation of Rules Affected by this Order: Amending WAC 357-46-053 and 357-46-055.

Statutory Authority for Adoption: Chapter 41.06 RCW.

Adopted under notice filed as WSR 21-14-009 on June 24, 2021.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 2, Repealed 0.

Number of Sections Adopted at the Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, Amended 2, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 2, Repealed 0.

Date Adopted: August 24, 2021.

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OTS-3008.3

AMENDATORY SECTION (Amending WSR 05-12-075, filed 5/27/05, effective 7/1/05)

WAC 357-46-053 How is a higher education employee's seniority date determined? For higher education employees, the seniority date is determined as follows:

(1) In accordance with the employer's layoff procedure. The employer's layoff procedure must specify a uniform method for determining the seniority date for employees of the higher education institution or related board who are covered by the civil service rules.

(2) Employees on military leave as provided in WAC 357-31-370 must not have their seniority date adjusted for the time spent on military leave without pay.

(3) Employees on leave without pay as authorized by a proclamation issued by the governor directly related to health and safety must not have their seniority date adjusted for the time spent on leave without pay.

[Statutory Authority: Chapter 41.06 RCW. WSR 05-12-075, § 357-46-053, filed 5/27/05, effective 7/1/05.]

AMENDATORY SECTION (Amending WSR 14-06-007, filed 2/20/14, effective 3/24/14)

WAC 357-46-055 How is a general government employee's seniority date determined? (1) For a full-time general government employee, the seniority date is the employee's most recent date of hire into state service (including exempt service) as adjusted for any period of leave without pay which exceeds fifteen consecutive calendar days except when the leave without pay is taken for:

(a) Military leave as provided in WAC 357-31-370;
(b) Compensable work-related injury or illness leave;
(c) Government service leave not to exceed two years and one month;

(d) Educational leave, contingent upon successful completion of the coursework; ~~((and/or))~~

(e) Reducing the effects of layoff~~((-))~~; and/or

(f) Leave without pay as authorized by a proclamation issued by the governor directly related to health and safety.

(2) When an employee is on leave without pay for more than fifteen consecutive calendar days and the absence is not due to one of the reasons listed above, the employee's seniority date must be moved forward in an amount equal to the number of calendar days on leave without pay.

~~((2))~~ (3) For a part-time general government employee, the seniority date is calculated by determining the number of actual hours worked and/or in paid status, excluding compensatory time off. Actual hours worked includes overtime hours regardless of whether or not the employee receives monetary payment or compensatory time for the hours worked. Time spent in leave without pay status is not credited unless the leave without pay is taken for:

(a) Military leave as provided in WAC 357-31-370;
(b) Compensable work-related injury or illness leave;
(c) Government service leave not to exceed two years and one month;

(d) Educational leave, contingent upon successful completion of the coursework; ~~((and/or))~~

(e) Reducing the effects of layoff; and/or

(f) Leave without pay as authorized by a proclamation issued by the governor directly related to health and safety.

[Statutory Authority: Chapter 41.06 RCW. WSR 14-06-007, § 357-46-055, filed 2/20/14, effective 3/24/14; WSR 09-11-063, § 357-46-055, filed 5/14/09, effective 6/16/09; WSR 05-08-135, § 357-46-055, filed 4/6/05, effective 7/1/05.]